



PRESS UNFREEDOM UNDER AUTHORITARIAN 'HYBRID' REGIMES

A report by Civil Rights Defenders





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INTRODUCTION

The democratic backsliding in Hungary, Poland, Serbia, and Turkey has led to forms of government that have been variously described as hybrid regimes, mafia states, or illiberal democracies, where the nativist strongmen engage in state capture, and 'friends-and-family' circles of oligarchs engage in state larceny. While each regime has its own particularities that make one or other label more or less appropriate, these hybrid authoritarian regimes do share a number of common characteristics, or strong 'family resemblances', that are manifest in their use and abuse of power, suppression of dissent, contempt for the rule of law, and hostility to free and pluralist media. András Sajó's definition of the 'special constitutional arrangement' that is illiberal democracy is readily applicable to all four states:

*"it is a plebiscitarian democracy unfolding the totalitarian potential within a democratic system. As a centralized power, it intends to perpetuate the rulers' monopoly over the state... Illiberal democracy takes an instrumental attitude to constitutional institutions. Amendments to the constitution take place according to the momentary interests of the political power... There is no commitment to underlying principles; appearances matter, not authenticity. Hence the inevitable duplicity and deceit in the constitutional and legal system of illiberal democracy. The constitution is not an entrenched, higher order law but a practical tool to solve emerging conflicts in an illiberal and nondemocratic way (imposing arbitrary will as supreme command)."*¹

Politics becomes defined by a Schmittian friend-foe dynamic, where legitimate opposition figures are defined as enemies of the nation, pawns of international cabals and conspiracies; those who dissent or challenge arbitrary abuses of power are vilified in pro-regime media outlets as paid spies and traitors. Hate-filled rhetoric has become a staple of political discourse from the highest offices. In 2020, Poland's president, Andrzej Duda in an interview with the Catholic broadcaster Radio Maryja, said that he and the government are "cleansing Poland of dirt" by removing "certain people" from positions of influence. This followed earlier remarks about "eliminating black sheep amongst judges" and the need to "cleanse our Polish home completely."²

In the name of the people, the ruling parties – who derive their legitimacy from victories in periodic, 'free but unfair' elections – have laid waste to systems of checks and balances, undermined judicial independence, and engaged in a protracted war of attrition against independent media to consolidate their grip on power. Freedom House, in its 2021 Nations in Transit report, warned that the spread of antidemocratic practices by incumbent leaders and ruling parties across the region that stretches from Central Europe to Central Asia is "fueling a deterioration in conditions that will have global implications for the cause of human freedom."³

¹ András Sajó, *Ruling by Cheating: Governance in Illiberal Democracy*, Chapter 5, Constitutional Structure. Published online by Cambridge University Press, 7 August 2021. Available at: <https://www.cambridge.org/core/books/abs/ruling-by-cheating/constitutional-structure/BAD8CE616EE00C17125DB79481B6C376>

² Notes from Poland, "We are still cleansing Poland of dirt," says president ahead of reelection bid, 2 June 2020. Available at: <https://notesfrompoland.com/2020/06/02/we-are-still-cleansing-poland-of-dirt-says-president-ahead-of-reelection-bid/>

³ Zselyke Csaky, *The Antidemocratic Turn, Nations in Transit 2021*, Freedom House. Available at: https://freedomhouse.org/sites/default/files/2021-04/NIT_2021_final_042321.pdf

Under such 'special constitutional arrangements', while the intensity of the clampdowns on press freedom varies in the four countries, the approaches taken by the strongmen at the head of their respective 'hybrid' regimes – which all veer towards authoritarianism – share some key common characteristics: monopolistic media ownership, dispensing state advertising revenue exclusively to regime compliant outlets, harassment of journalists, from smearing their character to jailing and worse; denial of access to public information; shutdowns, bogus criminal investigations, and hostile acquisitions of independent outlets. Under these regimes four things have to happen for state control of media, according to media expert Marius Dragomir:

*"The first is control of regulation and regulators (...) You appoint your people to regulatory bodies. The second component is the control of public service media, again, often through appointments. The third is to funnel state funding to certain media in order to control them. State advertising is a good example, because it can be used as a lever to achieve control of private media. The fourth element is to take over the ownership of private media. It doesn't have to be all of them. It just has to be enough to help you win the next election. This final step is the most difficult one. In many ways, a textbook example of these four elements at work is in Hungary."*⁴

Similarly, in Poland Adam Michnik warned of a 'creeping coup d'état', where the governing majority in Poland is "meticulously, step by step, dismantling the safety valves of our democratic order." In an open letter to the European Parliament, Michnik spelled out the dangers for Europe standing idly by while the Polish government set about undermining of the rule of law, pushing ahead with the repolonisation of media outlets, while "public media broadcasters were transformed into tools of shameless propaganda similar to that employed by Vladimir Putin in Russia and Recep Tayyip Erdoğan in Turkey."

As for ownership and control of the media in Turkey, according to the 2021 Press Freedom Index: "All means possible are used to eliminate pluralism." The Media Ownership Monitor showed that in Turkey – where nine of the ten most important owners are politically affiliated with the ruling party, and the size of the AKP-linked media conglomerates has reached immense proportions – media pluralism was endangered not just through the closures of outlets, but the "deeper dimension of economic leverage, which allows almost complete control of mass media."

In Serbia, Freedom House likened President Aleksandar Vučić to Hungary's premier Viktor Orbán with their common success in snuffing out critical journalism in their countries: "Both leaders have consolidated media ownership in the hands of their cronies, ensuring that the outlets with the widest reach support the government and smear its perceived opponents."⁵ As Serbia's press freedom ranking tumbled from 66th out of 180 countries in 2017, to 93rd in the 2021 World Press Freedom Index, US Democrats called on President Biden to push Vučić to "combat corruption and attacks on freedom of the press". The lawmakers described the Serbian government's preferential treatment of media favorable to its policies, "as emblematic of corruption and declining press freedom"; and drew attention to the dodgy dealings of the majority state-owned Telekom Srbija and its relentless 'scooping up' of media and cable companies, strengthening the state's control over the sector.⁶

As for the more direct forms of stifling press freedom, Europe has witnessed an increasing number of verbal and violent attacks on journalists in an increasingly toxic political environment. According to a 2020 report by the Association of European Journalists (AEJ), since 2015, more than 640 cases of violence against journalists have been reported in the Council of Europe; 60 of which, including 14 murders occurred within the European Union. The grim catalogue of harassment, threats and violence includes many EU Member

⁴ Ábrahám Vass, 'EBU Slams State Media for Lack of Trust; CEO Says 'Slandorous Statements' Published without Verification', *Hungary Today*, 7 December 2021. Available at: <https://hungarytoday.hu/ebu-state-public-media-mtva-mti-trust-bias-fidesz-government/>

⁵ Maja Zivanovic, Serbian Leader 'Following Orban' in Controlling Media – Freedom House, *Balkan Insight*, Belgrade BIRN, 5 June 2019. Available at: <https://balkaninsight.com/2019/06/05/serbian-leader-following-orban-in-controlling-media-freedom-house/>

⁶ Radio Free Europe, *Serbia's Vucic Dismisses Critical Congressional Letter About Corruption*, *Media Freedom*, RFE/RL Balkan Service, 7 November 2021. Available at: <https://www.rferl.org/a/serbia-vucic-congressional-letter-corruption/31550057.html>

States, and is by no means limited to Central Europe. Clearly, Poland and Hungary do not have a monopoly on intimidation of media professionals; but nowhere else in the Union is it so systemic, so overt, and such a relentless and routine component of deliberate government policy to harass independent journalists.

In Poland, one favoured method to keep journalists in check is legal harassment, flooding critical outlets with Strategic Lawsuits Against Public Participation (SLAPPs), in the form of costly and time-consuming civil defamation and libel cases. Many editors said their reporters were routinely vilified, discredited and delegitimised in smears and labelled as 'anti-Polish', 'political activists' or 'foreign agents' in pro-government media or by ruling party officials. Journalists are routinely denied access to public information, and sometimes find their accreditation cancelled or entry to political events blocked in retaliation for critical reporting. While violence is rare, there was a clear increase in violence against journalists covering protests.

While the Hungarian regime does not, as a rule, resort to the kind of physical violence and intimidation favoured by leaders of other 'non-democracies' such as Serbia and Turkey, it was not for nothing that Prime Minister Orbán was the first EU leader to be named as a 'press predator' by Reporters without Borders. The regime's methods "may be subtle or brazen, but they are always efficient", and in a 2019 visit to Hungary, the European Federation of Journalists found a deeply distorted media landscape where "independent media in Hungary are regularly smeared as political activists, 'Hungary-haters', foreign agents or traitors." Hungarian journalists described a coordinated system of censorship and content control not seen since the fall of the Communist regime; how they are routinely denied access to publicly-held information, excluded from official events, and prevented or actively hindered from communicating with public officials. Similar to SLAPPs in Poland, the Hungarian regime, and its non-state fellow travellers, increasingly take to the courts with lawsuits against journalists and independent media outlets with the sole intent to silence criticism, for the fear of crippling fines "has a serious chilling effect." As Péter Erdélyi recounted, his outlet *444.hu* gets sued on a weekly basis: *"These are 99.9% of the times frivolous civil lawsuits we are going to win. Still, they cost us a lot of time, energy, resources, and money. We employ two lawyers because of their volume. We have to sit down with the editor, the lawyer, set up the meeting, turn up at the court at least twice. On the other side, there are these huge state institutions with all the time and money, it hardly cost them anything."*⁷

The government in Serbia uses similar combinations of SLAPPs and smears, with the added ingredient of intimidation to silence critical journalists, who also face threats and violence from non-state actors allied to the regime. RSF noted that after six years under the leadership of Aleksandar Vučić, Serbia has become a country where "it is often dangerous to be a journalist."⁸ Female journalists, who face 'a perfect storm' of widespread misogyny and general disdain for journalists, are often subjected to sexist insults and threats on social media, aimed at humiliating them or terrorizing them for doing their job. In 2019, KRIK journalist Stevan Dojčinović described how the government constantly drags his network and individual staff members through the courts, imposes random tax penalties, and published fake stories in pro-government media about KRIK and other so-called enemies of the state; as for government intimidation: *"Threats have been sent to our newsroom. And the homes of two of our reporters were broken into, and we have been targets of surveillance by the secret service for a long time. They published lies about me on the front pages of Serbian leading media. It feels like it was never as hard as today to tell the truth."*⁹

In 2021, Turkey once again ranked first among the 47 Council of Europe member states, with the most ECtHR judgments over violations of freedom of expression, and HRW warned of a worsening of the 'press freedom crisis', President Erdogan – one of the world's worst jailers of journalists' – bizarrely boasted that,

⁷ Meera Selva, *Fighting Words: Journalism Under Assault in Central and Eastern Europe*, Reuters Institute, 22 January 2020. Available at: <https://reutersinstitute.politics.ox.ac.uk/fighting-words-journalism-under-assault-central-and-eastern-europe>

⁸ Sandra Maksimović, *Serbia's fall on media freedom list: "If it continues like this, there will no longer be anything to measure"*, European Western Balkans, 5 May 2020. Available at: <https://europeanwesternbalkans.com/2020/05/05/serbias-fall-on-media-freedom-list-if-it-continues-like-this-there-will-no-longer-be-anything-to-measure/>

⁹ AJ+, *Serbian Journalist Warns U.S. About Weakening Democracy*. Facebook Video. Available at: <https://www.facebook.com/ajplusenglish/videos/2380306712283568/>

“In our legislation, we have reinforced the right to criticism and to information, a component of freedom of expression.”

HRW noted that scores of journalists remain behind bars in Turkey or face baseless prosecutions in retaliation for their work. State authorities continue to instrumentalize a justice system that does not guarantee basic due process rights in court: “The lack of political will to end this pattern, largely unchanged since 2016, is hugely disturbing.”¹⁰

In the crackdown that followed the failed coup in 2016, arrest warrants were issued for more than 100 journalists, with an estimated 149 journalists and media workers held in Turkish jails – all but 18 of them in pretrial detention.¹¹ The crackdown was characterized by prosecutions and jailings of journalists on bogus charges of terrorism, insulting public officials, or crimes against the state; threats and physical attacks on journalists and media organizations; and pressuring media organizations to fire critical journalists. There have been 63 “lèse-majesté” convictions of journalists for “insulting the president” under article 299 of the criminal code since Erdoğan was elected president in August 2014. In 2020, a total of 48 journalists spent at least one day in police custody; and as the Stockholm Centre for Freedom (SCF) highlighted, ‘transnational repression’ of journalists continued with courts issuing international arrest warrants, assaults and threats against Turkish journalists, and in December 2021, Turkey froze the assets of 770 people including journalists in exile for alleged financing of terrorism. The fatal shooting, in February 2022, of Turkish journalist Güngör Arslan, publisher and news editor outside his office in the city of Izmit, provided a tragic reminder of just how perilous it remains to be a journalist in Turkey.¹²

Despite the grim catalogue of authoritarian abuses, there is also a stirring counter-narrative of defiance and steadfast resistance. The concluding section of the report examines how, in the face of imprisonment, intimidation, threats, SLAPPs and worse, media outlets, principled editors and journalists persist, against often daunting odds, in dogged defence of free and independent media. It’s a story of courage displayed by journalists committed to speak truth to power, and the wily determination of independent media to keep publishing, despite all the efforts by authoritarian regimes to scupper their operations.

Free press defenders, independent journalists, press outlets and media associations have been deeply critical of the repeated failures of the EU to take effective action against the dismantling of media pluralism and press freedom in both member states and neighbourhood and enlargement countries. On 29 November 2021, the European Commission announced that it will present a Media Freedom Act in the autumn of 2022, with the aim of preventing political influence and ensuring pluralism in the media of the 27 member states of the bloc and the candidate countries looking to join. The closing section of the report examines the arguments by some critics who maintain this is just too little, too late.

Before the Russian invasion of Ukraine, the optimistic take on the proposed EU media legislation suggested there are “signs that the regulatory machinery of the EU is being honed into a much more integrated framework, and that the Media Freedom Act is part of a coherent, deliberate plan to shore up democracy.”¹³ The jury is out on this one, and will remain so as Europe confronts the gravest threat to its security since the Second World War. In neighbouring Ukraine, as Putin’s military deliberately targets journalists who risk their lives to tell the world the truth, democratic powers must understand there can be no further collusion with authoritarians.

¹⁰ Human Rights Watch, *Turkey: Press Freedom Under Attack*, 14 October 2020. Available at: <https://www.hrw.org/news/2020/10/14/turkey-press-freedom-under-attack>

¹¹ Human Rights Watch, *Silencing Turkey’s Media: The Government’s Deepening Assault on Critical Journalism*, 15 December 2016. Available at: <https://www.hrw.org/report/2016/12/15/silencing-turkeys-media/governments-deepening-assault-critical-journalism>

¹² CPJ, *Statement: Turkish journalist Güngör Arslan killed*, 19 February 2022. Available at: <https://cpj.org/2022/02/turkish-journalist-gungor-arslan-killed/>

¹³ Edit Inotai, Claudia Ciobanu and Nicholas Watson, ‘EU Media Freedom Act: Pressganged’, *Reporting Democracy BIRN*, 13 December 2021. Available at: <https://balkaninsight.com/2021/12/13/eu-media-freedom-act-pressganged/>

The cruelties and atrocities unleashed by Putin's invasion of Ukraine have revealed Putin as the harbinger of dark times; exposed the merciless core of the authoritarian playbook; and laid bare the futility and failure of policies of appeasement and containment. In a perilous new era of contingency and heightened risk that precludes any definitive conclusions; in the face of propaganda and disinformation that masks violent oppression, there remain a few certainties: authoritarians cannot prevail and as far as independent journalists are concerned, the future remains unwritten, for the simple but profound reason that those who struggle for freedom and truth will never be silenced.

2

OVERALL DEMOCRATIC DECLINE IN FOUR COUNTRIES

2.1 *The illiberal turn inside the EU: Hungary and Poland*

Since Hungary's Fidesz election landslide in 2010, when the victorious Viktor Orbán [proclaimed](#) a “revolution in the polling booths” and “a new regime of national unity”, the ruling party has combined a crude nativist brand of politics with state capture, and deep corruption. In plain sight, the regime steadily dismantled all that is liberal in a democracy without any effective hindrance from the European Union. After the 2018 election victory delivered his ruling party another two-thirds majority, Orbán spelled out his illiberal ambition: “An era is determined by cultural trends, collective beliefs and social customs. This is now the task we are faced with: we must embed the political system in a cultural era.” In September of that year, the European Parliament initiated Article 7 procedures against Hungary.¹⁴

In its 2021 submission to the EU Article 7 procedure against Hungary, the Helsinki Committee noted key qualitative changes that had occurred in the previous 18 months. Beyond the government's long-standing ambition to eliminate or occupy all institutions that can exercise any control over the executive, the Helsinki Committee asserted that the government “tries to make democratic competition devoid of meaning by creating [in very important areas](#) a parallel state [structure](#) that will be shielded from public scrutiny and will be untouchable for any future government that does not have a constitutional supermajority.” Under the cover of the COVID state of emergency, the government granted itself unprecedented authorization to rule by decree, and used this to [impose unjustified restrictions on fundamental rights](#), to further undermine judicial independence, to stifle municipalities, and to meddle in the operations of private companies.¹⁵

Hungary's 2021 Freedom House ranking continued its decline, largely due to this expansion of Orbán's executive powers, the government's focus on enacting far-reaching changes unrelated to the pandemic, and its policy of vilifying marginalized groups, including the LGBT+ community. Throughout 2020, the Freedom House verdict was that the government actively undermined the country's institutions, including the political opposition, the media, and the courts, “continuing its uninterrupted authoritarian streak and cementing Hungary's place among hybrid regimes, in the ‘gray zone’ between democracies and autocracies.”¹⁶

In July 2021, under pressure from the European Parliament, the Commission launched infringement procedures against Hungary and Poland over LGBT+ discrimination. In the case of the Polish ‘LGBT free zones’ adopted by some one-hundred strongly Catholic rural towns and villages, the Polish authorities

¹⁴ In a move dismissed by the Hungarian justice minister as a ‘politically motivated witch-hunt, the European Parliament initiated Article 7 proceedings against Hungary in September 2018. MEPs argued that the ruling party, under Prime Minister Viktor Orbán, had damaged the country's judicial independence, engaged in corruption, restricted freedom of expression and infringed on minority and migrant rights, among other concerns. MEPs approved the resolution with the required two-thirds majority of votes cast. See: <https://www.politico.eu/article/eci-ruling-hungary-rule-of-law-article-7/>

¹⁵ Hungarian Helsinki Committee, *Qualitative changes in Hungary's illiberal regime since the last Article 7 hearing*, 22 June 2021. Available at: <https://helsinki.hu/en/qualitative-changes-in-hungarys-illiberal-regime-since-the-last-article-7-hearing/>

¹⁶ Freedom House, *Nations in Transit 2021: Hungary*. Available at: <https://freedomhouse.org/country/hungary/nations-transit/2021>

declined to provide the Commission with requested information. As for Hungary, the Commission believed that the so called “anti-paedophilia” law not only falls foul of several regulations and Treaty principles, but most importantly, violates “human dignity, freedom of expression and information, the right to respect private life” as stated in the EU Charter of Fundamental Rights.¹⁷ On the issue of state-sponsored homophobia, Poland took the lead and Hungary followed, but on every other aspect of democratic backsliding and state capture inside the EU, it’s been Viktor Orbán who has designed the authoritarian playbook since 2010.

In 2011, Jaroslaw Kaczynski, President of Poland’s Law and Justice Party stated “Viktor Orban gave us an example of how we can win. The day will come when we will succeed, and we will have Budapest in Warsaw.” Within weeks of the Law and Justice Party’s victory in elections in 2016, it replaced the heads of the Warsaw stock exchange and several large state companies, plus scores of public officials, with government loyalists. It then began to pack Poland’s constitutional tribunal and changed the rules to make it impossible for the court to veto Law and Justice-backed legislation, prompting the opposition leader to quip that while Mr Orban took a year to wrest political control of Hungary’s constitutional court, Mr Kaczynski took 12 days: “What we have here is Budapest – fast-tracked.”¹⁸

This fast-tracking caused much consternation in Brussels, and by December 2017, after almost two years of repeated efforts to engage the Polish authorities in dialogue, the European Commission launched an Article 7 action to protect the rule of law in Europe, because “Judicial reforms in Poland mean that the country’s judiciary is now under the political control of the ruling majority.”¹⁹ Three infringement procedures were launched against Poland since 2018, over the independence of the Supreme Court, the independence of judges, and most critically on 22 December 2021, because of serious concerns over rulings by the Polish Constitutional Tribunal which expressly challenged the primacy of EU law.²⁰

In 2021, Freedom House ranked Poland as a ‘semi-consolidated democracy’, and attributed the continued deterioration of democratic governance to a number of factors including the government’s discriminatory rhetoric and policies against LGBT+ people and its instrumentalization of the Constitutional Tribunal in controversial changes to the abortion law; the abuse of state resources and biased media coverage by the public broadcaster during the Presidential elections; continued sidelining and discipline of independent judges; and persistent attacks on independent media including the use of SLAPPs to silence government critics.²¹

2.2 Democratic Backsliding Beyond the EU: Serbia and Turkey

Similarly, in Serbia, Freedom House noted a continued deterioration in the state of fundamental freedoms and democratic institutions in Serbia in 2020, and the country is ranked as a ‘transitional or hybrid regime’. Human Rights Watch, in a succinct 2022 snapshot of the state of democracy in Serbia, described the situation thus:

“Journalists critical of authorities continued to face harassment, threats, violence, and intimidation. Most war crimes prosecutions involved low level perpetrators. Little progress was made to ensure people with

¹⁷ Andreas Rogal, EU launches infringement procedures against Hungary and Poland over LGBTIQ discrimination, *The Parliament Magazine*, 16 July 2021. Available at: <https://www.theparliamentmagazine.eu/news/article/eu-launches-infringement-procedures-against-hungary-and-poland-over-lgbtqi-discrimination>

¹⁸ Neil Buckley and Henry Foy, Poland’s new government finds a model in Orban’s Hungary, *Financial Times*, 6 January 2016. Available at:

<https://www.ft.com/content/0a3c7d44-b48e-11e5-8358-9a82b43f6b2f>

¹⁹ European Commission, Press release, Rule of Law: European Commission acts to defend judicial independence in Poland, 20 December 2017, Brussels. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5367

²⁰ The European Commission, Press Release, Rule of Law: Commission launches infringement procedure against Poland for violations of EU law by its Constitutional Tribunal. Brussels, 22 December 2021. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_7070

²¹ Freedom House, *Nations in Transit 2021: Poland*. Available at: <https://freedomhouse.org/country/poland/nations-transit/2021>

disabilities can live independently in the community. Lesbian, gay, bisexual and transgender (LGBT) people continued to be subjected to attacks and threats with impunity."²²

The consolidation of a 'one-man regime' in Serbia: When Prime Minister Aleksandar Vučić was elected President of Serbia in 2017, critics such as Dimitar Bechev warned that his election would "pave the way to the consolidation of a one-man regime in Serbia", turning the clock back to informal presidential rule, as practised under Milošević.²³ In his victory speech, Vučić expressed his 'particular gratitude' to German Chancellor Angela Merkel and Russian President Vladimir Putin, who both met with him in the run up to the election; and Vučić pledged that "Serbia will remain on the European and reformist path, but also friends with Russia and China." As late as 2017, Vučić was still pro-European and upbeat about the prospects of EU accession, telling a DW interviewer that, "the EU is the best place in the world to belong to - although it faces turbulences. Serbia will strive firmly to be part of the European Union. We share common values."²⁴

However, Vedran Džihic has maintained that objective international research has shown that in this Vučić era, in the so-called EU front-runner stage, "the legal state was eroded to such an extent as to give the SNS almost absolute control over all institutions, from parliament to municipalities." Media freedom came under sustained assault, in a state where corruption and clientelism has run rampant, "the autonomy of science is openly undermined and brutal police force has been wielded against citizens in the streets of Belgrade. Regional relationships have deteriorated, and revisionist discourses have gained more prominence in Serbia."²⁵

Externally, Vučić's authoritarian turn has increasingly distanced Serbia from the European Union, and his guise as the stabilizing pragmatic pro-Western politician with whom EU leaders can do business has lost much of its sheen. Increasingly the reference point for Belgrade is now Budapest not Brussels, and since 2019, a close political relationship developed between Orbán and Vučić alongside an intensification of economic ties between Serbia and Hungary, and Orbán's championing of Serbia's accession to the EU. This 'illiberal relationship' was formalized on 8 September 2021, when the prime ministers of both countries signed an Agreement on Cordial Relations and Strategic Partnership in Budapest.²⁶ By the end of that same month, Vučić during a visit to attend the *Budapest Demographic Summit IV*, questioned the priority of rule of law for countries like Serbia and Hungary, slammed the European Union for waging a "rule of law jihad" against countries that disobey Brussels, and suggested that rule of law is less important than "our nations [and] children."²⁷

Internally, elections which took place in 2020 were boycotted by the main opposition bloc, the Alliance for Serbia (SzS). Turnout stood at a record low (48.9%) and the ruling party won a record of 60.7% of votes cast and secured three quarters of the seats in parliament. On October 5th, President Vučić announced the formation of a "national unity" government. He sidelined parliament to proclaim the pandemic state-of-emergency, a move seen as just one example of the personalization of power in Vučić's hands, which according to Freedom House "contributed to the degradation of Serbia's democratic institutions."²⁸

²² Human Rights Watch, *HRW World Report 2022, Serbia/Kosovo Events of 2021*. Available at: <https://www.hrw.org/world-report/2022/country-chapters/serbia/kosovo>

²³ LSE Blog, *Experts react: Aleksandar Vučić wins Serbia's presidential election*, 3 April 2017. Available at: <https://blogs.lse.ac.uk/europpblog/2017/04/03/experts-react-aleksandar-vucic-wins-serbias-presidential-election/#One>

²⁴ DW, *Serbian PM Vucic: 'EU still the best place to belong to'*, 19 January 2017. Available at: <https://www.dw.com/en/serbian-pm-vucic-eu-still-the-best-place-to-belong-to/a-37188933>

²⁵ Vedran Džihic, *Serbia Must Choose Soon Between Despotism and Rational State*, *Balkan Insight*, 7 September 2020. Available at: <https://balkaninsight.com/2020/09/07/serbia-must-choose-soon-between-despotism-and-rational-state/>

²⁶ Darko Čačić, *Vucic and Orban formalise their 'special relationship'*, *EURACTIV*, 9 September 2021. Available at: <https://www.euractiv.com/section/enlargement/news/vucic-and-orban-formalise-their-special-relationship/>

²⁷ Exit News, *Rule of Law Is EU's Jihad against the Disobedient, Says Serbian President*, 24 September 2021. Available at: <https://exit.al/en/2021/09/24/rule-of-law-is-eus-jihad-against-the-disobedient-says-serbian-president/>

²⁸ Freedom House, *Nations in Transit 2021: Serbia*. Available at: <https://freedomhouse.org/country/serbia/nations-transit/2021>

Dismantling rights protections and democratic norms in Turkey: The 2022 HRW verdict was that President Erdoğan's dismantling of democracy in the previous year was on a scale unprecedented in the 18 years he has been in office. Erdoğan has retained a dominant role in government since moving from the post of prime minister to the presidency in 2014. Almost immediately after the failed coup attempt in 2016, Erdoğan's Justice and Development Party (AKP) which has ruled Turkey since 2002, launched a dramatic, sweeping and protracted crackdown on perceived opponents.

A 2017 constitutional referendum instituted a new presidential system of government, expanding presidential powers and eliminating the role of prime minister. As Freedom House put it, "President Erdoğan now controls all executive functions; he can rule by decree, appoint judges and other officials who are supposed to provide oversight, and order investigations into any civil servant, among other powers." As a result, corruption is endemic, democratic oversight is impossible, and there is a complete lack of transparency, and journalists or NGOs face arrest and prosecution if they try to investigate official malfeasance. Mainstream media, especially television broadcasters faithfully reflect the government line, while independent media that has survived face political pressure and are routinely targeted for prosecution. For 2021, Freedom House ranked Turkey as 'not free'.²⁹

According to HRW's 2022 report on Turkey, "The authoritarian and highly centralized presidential government of Recep Tayyip Erdoğan has [set back Turkey's human rights record](#) by decades, targeting perceived government critics and political opponents, profoundly undermining the independence of the judiciary, and hollowing out democratic institutions." Human Rights Watch stated that Erdoğan was dismantling human rights protections and democratic norms in Turkey on a scale unprecedented in the 18 years he has been in office.³⁰

On 19 March 2021, the president issued a decree suddenly withdrawing Turkey from the Istanbul Convention; two days earlier the chief prosecutor of Turkey's top court of appeal announced that he was opening a case to close down the opposition Peoples' Democratic Party (HDP). In language akin to that of the Orbán regime in Hungary³¹, the president's communications chief on March 21 issued a written statement defending the decision to withdraw Turkey from the treaty, saying that it was "hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Turkey's social and family values."³² HRW found that prosecutions and campaigns of harassment against opposition politicians, prominent members of civil society, independent journalists, and critics of Turkey's increasingly aggressive foreign policy continued throughout the year.

Kenneth Roth, executive director of HRW said "President Erdoğan is targeting any institution or part of society that stands in the way of his wide-ranging effort to reshape Turkey's society," and described the moves against parliamentary opposition, the Kurds, and women as being "all about ensuring the president's hold on power in violation of human rights and democratic safeguards."³³

²⁹ Freedom House, *Freedom in the World 2021: Turkey*. Available at: <https://freedomhouse.org/country/turkey/freedom-world/2021>

³⁰ Human Rights Watch, *HRW World Report 2022: Turkey, Events of 2021*. Available at: <https://www.hrw.org/world-report/2022/country-chapters/turkey>

³¹ In May 2020, the Hungarian Parliament rejected the ratification of the Istanbul Convention, backing a government declaration that the measure promotes 'destructive gender ideologies' and 'illegal migration'. It also rejected references in the treaty text to 'gender' and to obligations to receive refugees persecuted over sexual orientation or gender. See: <https://www.theguardian.com/world/2020/may/05/hungarys-parliament-blocks-domestic-violence-treaty>

³² Directorate of Communications Presidency of the Republic of Türkiye, *Statement regarding Türkiye's withdrawal from the Istanbul Convention*. Available at: <https://www.iletisim.gov.tr/English/Haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention>

³³ Human Rights Watch, *Turkey: Erdoğan's Onslaught on Rights and Democracy Targets Women, Kurds, LGBT People, Democratic Safeguards*. 24 March 2021. Available at: <https://www.hrw.org/news/2021/03/24/turkey-erdogans-onslaught-rights-and-democracy>

3

‘PRESS FREEDOM PREDATORS’: DISMANTLING MEDIA PLURALISM

3.1 World Press Index 2021: snapshots of strongmen

In July 2021, *Reporters Without Borders (RSF)* listed Viktor Orbán as a ‘press freedom predator’. The Hungarian prime minister earned his place as the only EU politician among the 37 leaders on the list, according to *RSF*, for his relentless attacks on media pluralism and independence since returning to power in 2010:

“The methods may be subtle or brazen, but they are always efficient. Thanks to political-economic manoeuvres and the purchase of media companies by oligarchs close to Fidesz, the ruling party, it now controls 80 per cent of the country’s media landscape.”

RSF noted that Orbán’s varied predatory techniques have proven so effective that they have inspired his Polish and Slovenian allies.³⁴ Hungary’s ranking in the 2021 World Press Freedom Index slipped three places to 92. *RSF* noted that in addition to stripping Klubrádió of its frequency, and engineering the takeover of the Index.hu news website, the government’s coronavirus emergency legislation threatened journalists with prosecution on charges of disseminating fake news and “blocking the government’s anti-pandemic efforts,” and imposed additional curbs on their already limited access to state-held information.³⁵

Also featured on the list of 37 heads of state, who “embody in a particularly drastic way the ruthless suppression of press freedom”, was Turkey’s President Erdoğan for his unrelenting persecution of critics who can either be prosecuted for “insulting the president” or charged with any number of terrorist offences.³⁶ Turkey ranked at 153 in the 2021 World Press Freedom Index, a year when its military operations along the Syrian border and in Libya, its political manipulation of the Syrian refugee crisis and its handling of the Covid-19 pandemic, were all used to “reinforce its authoritarian policies towards critical media and its use of the judicial system for political ends.”

Long known as the world’s biggest jailer of journalists, the risk of imprisonment and the fear of being subjected to judicial control or stripped of one’s passport remains ever-present. *RSF* noted that in this “New Turkey” marked by Recep Tayyip Erdogan’s hyper-presidency, all means possible are used to eliminate media pluralism; arbitrary decisions by magistrates and government agencies are the new normal, and internet censorship has reached unprecedented levels.³⁷

³⁴ *RSF, News: RSF’s 2021 “Press freedom predators” gallery – old tyrants, two women and a European*, 7 July 2021. Available at: <https://rsf.org/en/news/rsfs-2021-press-freedom-predators-gallery-old-tyrants-two-women-and-european>

³⁵ *RSF, Hungary: EU’s alternative oppressive model*. Available at: <https://rsf.org/en/hungary>

³⁶ *RSF, News: RSF’s 2021 “Press freedom predators” gallery – old tyrants, two women and a European*, 7 July 2021. Available at: <https://rsf.org/en/news/rsfs-2021-press-freedom-predators-gallery-old-tyrants-two-women-and-european>

³⁷ *RSF, Turkey: Subjugated media*. Available at: <https://rsf.org/en/taxonomy/term/145>

Serbia ranked one place below Hungary, and holding steady at 93 in the World Press Freedom Index was described as “a country with weak institutions that is prey to fake news spread by government-backed sensational media, a country where journalists are subjected to almost daily attacks that increasingly come from the ruling elite and pro-government media.” Draconian legislation passed (and later repealed) in the wake of Covid-19 was used to detain journalist Ana Lalić overnight in a cell in April 2020 after being arrested at her home for a report about a local hospital. Journalists were violently attacked by police and others during anti-government protests. RSF noted that despite being excluded from state funding and being weakened by the coronavirus crisis, “independent media outlets, many of them local ones, continue to cover dangerous subjects such as political corruption and organised crime.”³⁸

In Poland, the EU's other rogue state, ranked at 64 in the World Press Freedom Index, the government proceeded apace with its attempted ‘repolonisation’ of privately-owned media (effectively reducing or eliminating foreign ownership of Polish outlets), with its declared goal of influencing their editorial policies. RSF noted that in 2020, police used arbitrary violence and arrests to restrict the right to inform, and repeatedly failed to protect journalists covering protests from violence.³⁹ In the run-up to the presidential election in mid-2020, the state-owned media backed President Andrzej Duda's successful campaign for reelection and did their best to discredit his main rival.

Poland's éminence grise, Jarosław Kaczyński, chairman of the ruling Law and Justice (PiS) party, in July 2020, described the presidential election as a ‘civilizational clash’ in which Poland rejected ‘slavery’. Kaczyński, whose rhetoric mirrors that of Viktor Orbán, declared that if someone believes that they are Polish, they must be on the side that defends traditional values; he claimed the opponents of PiS aim to “break down traditional structures and values, with the family at the forefront”; and expressed the hope that “repolonisation” of the media could be carried out during the current parliamentary term, but acknowledged that ‘international reaction could be a problem.’⁴⁰ In December 2020, as part of this campaign, the state-controlled oil company Orlen announced its acquisition of 20 of the 24 regional newspapers published by the German-owned Polska Press company – newspapers whose websites have 17 million readers.⁴¹ In May 2021, four editors-in-chief with Polska Press were fired by Orlen, although a competition court had frozen the acquisition.⁴²

3.2 Common characteristics: media repression before and beyond Covid-19

Data collected in 2020, revealed that governments, especially in eastern and central Europe, used the ongoing health crisis as a pretext to restrict the free flow of information and clamp down on independent media. Journalists faced arrests, detentions and criminal investigations; access to officials became restricted, press passes were revoked or denied; some journalists were physically attacked, and others intimidated or subjected to smear campaigns by state and non-state actors.⁴³ While the Covid-19 states of emergency marked a deterioration in press freedom, the pattern was more one of continuity with, rather than any departure from established practice in Hungary, Poland, Serbia and Turkey, where regime assaults on independent and pluralist media long pre-dated the pandemic.

³⁸ RSF, *Serbia: Fight against impunity continues*. Available at: <https://rsf.org/en/serbia>

³⁹ RSF, *Poland: “Repolonising” means censoring*. Available at: <https://rsf.org/en/poland>

⁴⁰ Daniel Tilles, ‘Kaczyński aims to “repolonise” foreign-owned media but admits “international reaction” a problem’, *Notes from Poland*, 20 July 2020. Available at: <https://notesfrompoland.com/2020/07/20/kaczynski-calls-for-repolonisation-of-media-but-admits-international-reaction-makes-it-difficult/>

⁴¹ RSF, *Poland: “Repolonising” means censoring*. Available at: <https://rsf.org/en/poland>

⁴² RSF, *News, With firing of four editors, “repolonisation” under way in Poland*. 10 May 2021. Available at: <https://rsf.org/en/news/firing-four-editors-repolonisation-under-way-poland>

⁴³ Jamie Wiseman, *European media freedom suffers under COVID-19 response*, International Press Institute. 3 April 2020. Available at: <https://ipi.media/european-media-freedom-suffers-covid-19-response/>

While Covid-19 emergency powers exceeded a tailored and proportionate response to a public health crisis in these four countries, there was nothing new about executive overreach when dealing with independent media.

The concerns previously expressed by UN Special Rapporteur Fionnuala Ní Aoláin about the global proliferation of states of emergency since 2001 took on a new resonance. She described how new sets of de facto and permanent counter-terrorism measures had led to extensive human rights violations, where vague and overly broad definitions of terrorism were used to target civil society, human rights defenders, journalists, bloggers and activists.⁴⁴ Her warning of the dangers of executive overreach in a state of exception – how extraordinary powers made available to governments under emergency legislation can become part of the ordinary, normal legal system, rendering the protection of rights “increasingly fraught and difficult” – proved particularly prescient with regards to press freedom in Hungary, Poland, Serbia and Turkey, where the protection of the rights of journalists and independent media outlets were rendered “increasingly fraught and difficult”.

Reporters Without Borders found a clear correlation between suppression of media freedom in response to the coronavirus pandemic, and a country's ranking in the World Press Freedom Index. According to RSF secretary-general Christophe Deloire, the coronavirus pandemic illustrated the negative factors threatening the right to reliable information, and was itself an exacerbating factor: “The public health crisis provides authoritarian governments with an opportunity to implement the notorious ‘shock doctrine’ – to take advantage of the fact that politics are on hold, the public is stunned and protests are out of the question, in order to impose measures that would be impossible in normal times.”⁴⁵

While the intensity of the clampdowns on press freedom varies between the four countries, the approaches taken by the strongmen at the head of their respective ‘hybrid’ regimes – which all veer towards authoritarianism – share some key common characteristics: monopolistic media ownership, dispensing state advertising revenue exclusively to regime compliant outlets, harassment of journalists, from smearing to jailing and worse; denial of access to public information; shutdowns, bogus criminal investigations, and hostile acquisitions of independent outlets.

Participants in the project *Democracy Undone*, chronicled how so-called populist leaders from seven countries seemed to be working from the same ‘authoritarian playbook’ which the reporting team pieced together from the speeches, techniques and strategies used as a way to gain and maintain power, impose their values, and engage in state capture. Key ‘Plays’ they identified in the Playbook include:

- *Weaponize Fear*: Embrace a language of violence, promote a more punitive culture, leverage military might at home. Give critics reason to believe they’ll be harmed if they oppose.
- *Target Outsiders*: Stoke the fires of xenophobia by demonizing immigrants and foreigners. Blame domestic problems including economic woes on these scapegoats, and depict political opponents as sympathetic to these imagined enemies.
- *Undermine Institutions*: Take over the courts, eliminate checks and balances, undo established treaties and legislation that limit executive power, weaken protections for free and fair elections.
- *Rewrite History*: Exert control over schools and the media to indoctrinate the public with beliefs that reinforce autocratic power.
- *Exploit Religion*: Appeal to the religious majority while targeting minorities. Conflate national identity with religious identity.
- *Divide and Conquer*: Use hate speech and encourage violent actors to widen social rifts and use manufactured crises to seize more power.

⁴⁴ Fionnuala Ní Aoláin, UN Special Rapporteur, Report on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN Human Rights Council, Thirty-seventh session 26 February–23 March 2018. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22742&LangID=E>

⁴⁵ RSF, 2020 World Press Freedom Index: “Entering a decisive decade for journalism, exacerbated by coronavirus.” Available at: <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>

- *Erode Truth:* Attack the press as an “enemy of the people;” dismiss negative reports as “fake news,” counter legitimate information with disinformation or “alternative facts.” Blast the media landscape with endless scandal and contradiction to overwhelm the traditional fail-safes.⁴⁶

The following sections will explore the key features of the authoritarian playbook, and delineate how repression has actually played out in each of the respective states.

⁴⁶ Kevin Douglas Grant, *Understanding the Authoritarian’s Playbook: Tips for Journalists*, Global Investigative Journalists Network, 2 March 2020. Available at: <https://giin.org/2020/03/02/understanding-the-authoritarians-playbook-tips-for-journalists/>

4

STATE CONTROL ESSENTIALS: CONCENTRATE MEDIA OWNERSHIP, CAPTURE PUBLIC BROADCASTING, AND CONTROL ADVERTISING REVENUES

4.1. Hungary: steady degradation of media pluralism a textbook example of state control

"Hungary's legislation, including first and foremost the Constitution of Hungary, completely guarantees the freedom of the press. The media is a market-based industry, and the government has neither the right nor the intention to interfere in its affairs."

(Deputy Prime Minister Mihály Varga, 2021)⁴⁷

The description of Hungary as a "textbook example of state control" by the European Broadcasting Union (EBU) in its 2021 News Report, was rejected as 'slandorous' by a state media CEO, who refuted any accusation of political control over public media. Likewise, when Reporters without Borders, placed Viktor Orbán on its 2021 Press Predators list – citing the ruling party's control of over 80% of the media via purchases by allied oligarchs, and discrimination against non-aligned private media – government spokesman Zoltan Kovacs slammed RSF as "Fake News Without Borders", while MEP and Fidesz founding member Tamás Deutsch, dismissed it as part of "the latest wave of attacks against Hungary".⁴⁸

Regime responses go beyond outright denial to assertions that it is in fact the left that dominates the Hungarian media landscape. In this imaginary, Orbán has asserted that Fidesz victories at the polls happen despite, and not because of, the media, which party spokespersons often claim is still in the thrall of 'left-liberals'. Fidesz MEP, Balázs Hidvéghi, rejecting notions of government control of media as a lie, described the situation thus: "We have TV channels that are open toward our values and who share the government views. But it has nothing to do with domination. It's a balanced situation. I think the press in Hungary is still dominated by left-wing views."⁴⁹

⁴⁷ Fábian Tamás, Orbán's influence on the media is without rival in Hungary, *Telex.hu*, 23 March 2021. Available at:

<https://telex.hu/english/2021/03/23/orbans-influence-on-the-media-is-without-rival-in-hungary>

⁴⁸ Euronews, Viktor Orbán: Hungarian PM cited by Reporters Without Borders over press freedom. 5.07.2021. Available at:

<https://www.euronews.com/2021/07/05/viktor-orban-hungarian-pm-cited-by-reporters-without-borders-over-press-freedom>

⁴⁹ Joanna Kakissis, 'Outlets Strive For Independence In Hungary, Where Most Media Back The Government', NPR, 8 May 2021. Available at:

<https://www.npr.org/2019/05/08/720015059/outlets-strive-for-independence-in-hungary-where-most-media-back-the-government>

The Hungarian government has managed to dismantle media independence and pluralism over the past decade without resorting to physical violence or jailing journalists. According to the 2019 report by the European Federation of Journalists (EFJ), through deliberate manipulation and systematic distortion of the media market – engineering the forcible closure or effective government takeover of once-independent media – the Hungarian regime has achieved “a degree of media control unprecedented in an EU member state.” In a country where the public broadcaster was swiftly and completely “deformed into a state broadcaster”, EFJ found that the pro-government media empire serves as “a vast propaganda machine for the government of Prime Minister Viktor Orbán, insulating large parts of the public from access to critical news and information so as to maintain the Fidesz party’s hold on power.”⁵⁰

Independent outlets are also starved of advertising revenues. Peter Erdelyi described his experience at 444.hu “Some of the biggest private advertisers, like banks and telecom companies, operate in sectors heavily regulated by the state and are very cautious about spending that may upset the government. State advertising is also a powerful tool of political favouritism and an instrument of market distortion, censorship, and building an uncritical media empire aligned with the government.”⁵¹

In the EBU report, Marius Dragomir, Director of CEU’s Center for Media, Data, and Society, describes four things that have to happen for state control of media:

*“The first is control of regulation and regulators (...) You appoint your people to regulatory bodies. The second component is the control of public service media, again, often through appointments. The third is to funnel state funding to certain media in order to control them. State advertising is a good example, because it can be used as a lever to achieve control of private media. The fourth element is to take over the ownership of private media. It doesn’t have to be all of them. It just has to be enough to help you win the next election. This final step is the most difficult one. In many ways, a textbook example of these four elements at work is in Hungary.”*⁵²

A detailed research piece in Telex.hu, which traced the clampdown on press freedom from the 2010 Media Law right up to the closure of Klubrádió in 2021, highlighted one important feature, often overlooked, is the state monopoly of news. For the Hungarian News Agency (MTI) is a part of the state media and since 2012 has been offering its services free: “taxpayers’ money is being spent on putting out free ‘pro-government’ news, making it impossible for independent news agencies to survive on the market.”⁵³

One of the Orbán government’s first moves in 2010, in pushing through its Media Law amendments was to set up the National Media and Info-communications Authority (NMHH) and the Media Council, responsible for overseeing the Hungarian media market, including media acquisitions. Since then, the Media Council, which remains packed with members loyal to the ruling Fidesz party, “has been instrumental in aiding the expansion of pro-government oligarchs in the Hungarian media sector, who have slowly turned their outlets into government mouthpieces.”⁵⁴

⁵⁰ European Federation of Journalists, *New report: Hungary dismantles media freedom and pluralism*. Available at: <https://europeanjournalists.org/blog/2019/12/03/new-report-hungary-dismantles-media-freedom-and-pluralism/>

⁵¹ Erdelyi Peter, How to get readers in Central and Eastern Europe and the Global South to pay for public service journalism <https://reutersinstitute.politics.ox.ac.uk/how-get-readers-central-and-eastern-europe-and-global-south-pay-public-service-journalism>

⁵² Ábrahám Vass, ‘EBU Slams State Media for Lack of Trust; CEO Says ‘Slandorous Statements’ Published without Verification’, *Hungary Today*, 7 December 2021. Available at: <https://hungarytoday.hu/ebu-state-public-media-mtva-mti-trust-bias-fidesz-government/>

⁵³ Csatári Flóra Dóra and Fábian Tamás, ‘The shredding of the free press in Hungary’, *Telex.hu*, 25 November 2021. Available at: <https://telex.hu/english/2021/11/25/the-shredding-of-the-free-press-in-hungary>

⁵⁴ Patrick Szicherle and Péter Kréko, *Disinformation in Hungary: From fabricated news to discriminatory legislation* Heinrich Böll Stiftung, Brussels, 7 June 2021. Available at: <https://eu.boell.org/en/2021/06/07/disinformation-hungary-fabricated-news-discriminatory-legislation>

Unsurprisingly, there are serious transparency problems around public service media, which operate in the framework of a very complex and confusing institutional structure. According to the Helsinki Committee, the Media Service Support and Asset Management Fund (MTVA in Hungarian) performs practically all of the public media's content acquisition and show production and it is also the legal employer of the public service media employees. So, the MTVA "disposes of all these taxpayer funds without being subject to any meaningful outside control and no one has a clue of where and how it spends the money."⁵⁵

The most radical shift in media ownership took place in November 2018, when the private owners of 476 government-friendly media outlets "donated" their entire assets to the Central European Press and Media Foundation (KESMA). As Telex noted, with this move, government stake in the media exceeded anything since pre-1989 state socialism in Hungary. KESMA was set up by members of Orbán's inner circle and, while in private hands, is mainly supported by public money and fully controlled by the regime. This move was simply without precedent, and unthinkable in a functioning democracy.

On 5 December 2018 Prime Minister Viktor Orbán signed a decree declaring the merger to be an event of strategic national importance that serves "the public interest of saving print media" and exempting it therefore from all possible national scrutiny of the Hungarian Competition Authority, and by extension of the Media Council.⁵⁶ On 25 June 2020, the Constitutional Court rejected an application lodged by a quarter of the members of Parliament challenging the Government Decree. The Constitutional Court found that it rests solely and exclusively within the prerogative of the Government to determine matters of 'strategic national importance', and that nothing in the merger could be read as necessarily threatening media pluralism in the country.⁵⁷

Over the past few years, Hungarian journalists and media experts have raised concerns over vast sums of state funding being channelled to pro-government outlets. A 2019 complaint to the European Commission argued that Orbán has been granting cash illegally to favoured media outlets in the form of public advertisements, in a manner that is "selective and discriminative, in fact it is not based on any economic rationale, since its practice is not even remotely related to the audience measurement data of the market players." As *Politico* reported, data cited in the report showed that "one of the country's most popular TV channels, RTL Klub, received 3 percent of the total amount of state television advertising in 2018 when measured in seconds, while its competitor — the pro-government TV2 — received 43 percent of the total."⁵⁸

"Media pluralism has further deteriorated in Hungary" was the prosaic verdict of the European Commission's 2021 Rule of Law Report.⁵⁹ The authors of the report, the Commission was citing were a little more forthright: *"The degradation of media pluralism in Hungary continued in 2020, although the problems have been well-known for the European public and political decision-makers for years."*⁶⁰ The Commission's main concerns carried over from the previous year, and it repeated its opinion that diversity of the media market is negatively affected by the concentration of ownership in the hands of a few pro-government businesspersons, and its concerns at the resulting lack of editorial independence.

The Commission also noted that transparency of media ownership remains deeply problematic, as does the fact that there are no plans to amend the legal framework. In theory, the ownership of the Hungarian media

⁵⁵ Contributions of the Hungarian civil society organisations to the European Commission's Rule of Law Report, March 2021, pp 34-40. Available at: https://helsinki.hu/wp-content/uploads/2021/03/HUN_NGO_contribution_EC_RoL_Report_2021.pdf

⁵⁶ *Ibid.*

⁵⁷ European Commission, 2020 Rule of Law Report, Country Chapter on the Rule of Law Situation in Hungary 30 September 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602582109481&uri=CELEX%3A52020SC0316>

⁵⁸ Lili Bayer and Paola Tamma, 'Demise of Hungary's media exposes Brussels' weakness', *Politico*. 3 August 2020. Available at: <https://www.politico.eu/article/brussels-looks-on-powerless-at-hungarian-media-demise-viktor-orban/>

⁵⁹ European Commission Staff Working Document, 2021 Rule of Law Report Country Chapter on the rule of law situation in Hungary, 20 July 2021. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0714>

⁶⁰ CEU Democracy Institute, Attila Bátorfy Co-Authors Media Pluralism Monitor Report on Hungary, 20 July 2021, Available at: <https://cmds.ceu.edu/article/2021-07-20/attila-batorfy-co-authors-media-pluralism-monitor-report-hungary>

market is transparent, media companies have to inform the Media Council about any change in their ownership and about their media products. In practice, as noted in the *Media Pluralism Monitor*, scant legal provisions and the Media Council itself “fall short in guaranteeing effective transparency for all media and effective and easy access to the relevant information by the public”, particularly for the disclosure of ultimate and beneficial owners of media outlets, who often use proxies and middlemen, or build multi-layered company structures to obscure themselves.⁶¹

4.2. Turkey: “All means possible are used to eliminate media pluralism”

“We have never done anything against freedom of expression or media freedom. On the contrary, the press in Turkey has criticised me a great deal, me and my government, and have attacked me a great deal. And despite these attacks, we have been very patient in the way we have responded to these attacks.”

(Recep Tayyip Erdogan, CNN interview 1 April 2016).

Recep Tayyip Erdogan, a regular in the RSF rogues’ gallery of press predators, opts for complete denial when challenged about abuses of civil liberties in Turkey. In a 2021 CBS *Face the Nation* interview, he simply asserted that as far as media is concerned, “we don’t have any problems of that nature in terms of freedoms, Turkey is incomparably free.”⁶² Criticism of the regime is routinely dismissed as a mixture of disinformation, conspiracy and misreporting by media traitors inside the country and their partners outside. In a manner akin to Hungary’s Viktor Orbán, the Turkish premier regularly insists he is the true democrat, and remains completely unfazed by overwhelming evidence to the contrary.

Ranked near the bottom of the 2021 RSF press freedom index at 153 out of 180 countries, Turkey, was long notorious as the ‘world’s top jailer of journalists’. While the more blatant, arbitrary and wide-ranging forms of coercion and suppression set Turkey apart from Hungary, Poland and Serbia in terms of scope and intensity, when it comes to control, ownership and manipulation of public and private media, all four autocrats are working from the same playbook.

The state of emergency declared after the failed coup in 2016 was a turning point in providing Erdogan with the political opportunity to arrest unprecedented numbers of journalists and to close more than 100 print and broadcast media outlets. However, there was plenty of precedent in terms of media control and coercion. The Gezi protests in 2013 exposed the “toxic mix of political and wider commercial pressures on journalism”, and for the first time “many people saw clear evidence of widespread political influence within Turkish journalism which is encouraged by a system of media ownership that is conducive to self-censorship and external interference.”⁶³

While historically relations between government and media had not been ‘conducive to freedom’, according to Nuri Çolakoğlu, media were relatively free in the period of multi-party coalitions in 1990s until the accession to power of AKP in 2002. The AKP election victory was a game-changer: “The new government opened up the media market leading to an explosion of new outlets and extensive cross-ownership. They also actively created a firm pro-AKP media community within this reformed information landscape.”

⁶¹ Attila Bátorfy and Krisztián Szabó, *Monitoring Media Pluralism In The Digital Era: Country report Hungary*, Centre for Media Pluralism and Media Freedom, July 2021. Available at: https://cadmus.eui.eu/bitstream/handle/1814/71949/hungary_results_mpm_2021_cmpf.pdf

⁶² Polygraph.info, *Erdogan’s False Claim That Turkey is ‘Incomparably Free’*. Available at: <https://www.polygraph.info/a/fact-check-erdogan-s-false-claim-that-turkey-is-incomparably-free-/31487860.html>

⁶³ Ethical Journalism Network, *Censorship in the Park. Media ownership: An Open Door to Government Influence*. Available at: <https://ethicaljournalismnetwork.org/media-ownership>

Çolakoğlu estimated that by 2014, AKP controlled around 50 percent of media directly, around 30 percent indirectly and the remaining 20 percent are relatively small players.⁶⁴

Government influence over media arose from a system of media ownership whereby the country's major media outlets are in the hands of industries that rely on public contracts. According to media researcher Ceren Sözeri businesses felt 'obliged' and some industrialists openly admitted political pressure to buy into the media market. The *Censorship in the Park* report provided a simplified breakdown of the economic interests of the major media conglomerates which revealed:

- **Doğan Group:** Energy, retail, tourism, finance, industrial
- **Demiroren Group:** Gas, construction, education, industrial
- **Ciner Group:** Energy, mining, industrial, service sector
- **Doğuş Group:** Banking, finance, automotive, construction, tourism, energy, restaurant chains
- **Calik Group:** Textiles, energy, construction, finance, telecoms, mining⁶⁵

Ceren Sözeri also noted that these media groups run operations in large state-owned construction projects in addition to their private investments, including metro, highway, and airport construction projects, as well as major infrastructure and urban gentrification projects. She noted that harbour construction and management had become a popular sector among pro-government media owners, who were also winning increasing numbers of public tenders in urban and municipal services. For Sözeri, this went a long way to explaining "why the media owners please the government at every possible occasion and why self-censorship is so widespread in the media during the Gezi protests."⁶⁶

While the media controversies that followed the Gezi protests revealed a crisis for press freedom, and a media system "subject to unacceptable levels of interference from government and business interests" – all of that would come to pale in comparison to the massively repressive fall-out from the failed coup in 2016. The state of emergency declared in the aftermath of the coup attempt provided Erdogan with the opportunity to launch a wave of oppression against all enemies real and imagined. The Media Ownership Monitor Turkey 2018, show that media pluralism was endangered not just through the closures of outlets, but the "deeper dimension of economic leverage, which allows almost complete control of mass media."

The Monitor found political-economic ties of media owners to the government, and their dependence on government for public contracts in other sectors had intensified; and In Turkish television, nine of the ten most important owners are politically affiliated with the ruling party. The size of the media conglomerates closely linked to the AKP has reached immense proportions. The distribution of public funds on advertising remains untransparent with freedom of information requests rejected on the grounds of "trade secrets".⁶⁷

As far as ownership and control of the media is concerned today, the 2021 Press Freedom Index assessment is blunt: "All means possible are used to eliminate pluralism." RSF describes the current situation in the 'New Turkey' marked by Recep Tayyip Erdogan's hyper-presidency, as one where arbitrary decisions by magistrates and government agencies are the new normal, and internet censorship has reached unprecedented levels; "where government controls 90% of the national media by means of regulators such as the High Council for Broadcasting (RTÜK), while the Press Advertising Council (BIK), which allocates state advertising, and the Presidential Directorate for Communications (CIB), which issues press cards, use clearly discriminatory practices in order to marginalise and criminalise the regime's media critics."⁶⁸

⁶⁴ Ethical Journalism Network, *Censorship in The Park: Turkish Media Trapped by Politics and Corruption*. London, February 2014. Available at: <https://ethicaljournalismnetwork.org/assets/docs/021/035/02fc715-bc8d623.pdf>

⁶⁵ Ethical Journalism Network, *Censorship in The Park: Turkish Media Trapped by Politics and Corruption*. London, February 2014, p.16. Available at: <https://ethicaljournalismnetwork.org/assets/docs/021/035/02fc715-bc8d623.pdf>

⁶⁶ Dr. Ceren Sözeri, *The media ownership in Turkey and its advantages*, 2013. Available at: https://www.academia.edu/5210149/The_media_ownership_in_Turkey_and_its_advantages

⁶⁷ Reporters without Borders, *Media Ownership Monitor, Turkey*, 2019. Available at: <https://www.mom-rsf.org/en/countries/turkey/>

⁶⁸ Reporters without Borders, *2021 RSF World Press Freedom Index, Turkey: Subjugated Media*. Available at: <https://rsf.org/en/taxonomy/term/145>

POLITICAL AFFILIATIONS - PRINT

**MEDIA
OWNERSHIP
MONITOR**
Turkey

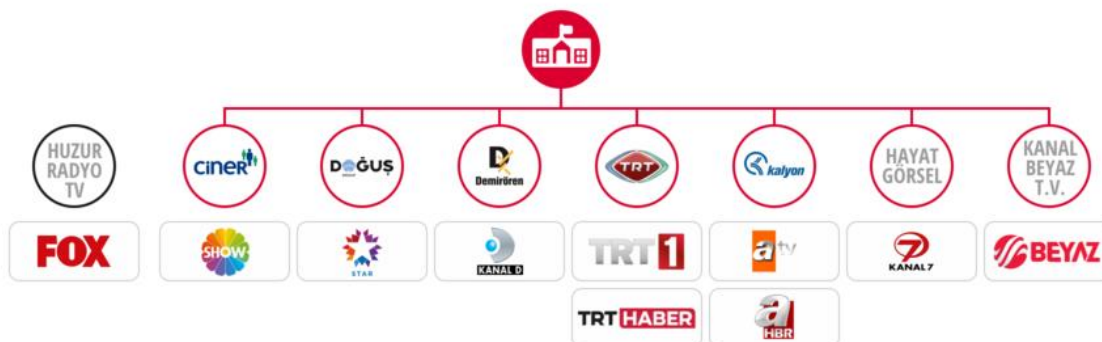
OUT OF 10 MOST READ DAILIES, 8 BELONG TO OWNERS
THAT ARE AFFILIATED WITH THE GOVERNMENT



POLITICAL AFFILIATIONS - TV CHANNELS

**MEDIA
OWNERSHIP
MONITOR**
Turkey

OUT OF 10 MOST WATCHED TV CHANNELS, 9 BELONG TO
OWNERS THAT ARE AFFILIATED WITH THE GOVERNMENT



Source: RSF Media Ownership Monitor: Turkey. Available at: <http://turkey.mom-rsf.org/en/findings/political-affiliations/>

4.3. Serbia: crisis times, dodgy deals and declining freedoms

"Yesterday, I talked to people from Reporters Without Borders and I invited them to come to Serbia and support us, to bring experts, especially in the area of state aid to the media... and I am sure that in a year or two, I will be here and I will be proud of the freedom of the media and freedom of speech in Serbia."

(Aleksandar Vučić, President of Serbia at Davos 2019)

Serbian journalists and editors who spoke to BIRN accused President Vučić of hypocrisy after he spoke on press freedom in Davos, with [TV N1's](#) programme director Jugoslav Cosic calling it "epic cynicism". Milan Culibrk, the editor-in-chief of weekly news magazine NIN, told BIRN that under Vučić's rule, Serbian media have been living through 'crisis times'.⁶⁹ A report by Freedom House published a few months later gave some sense of what kind of crisis, likening Vučić to Hungary's premier Viktor Orbán with their common success in snuffing out critical journalism in their countries: "Both leaders have consolidated media ownership in the hands of their cronies, ensuring that the outlets with the widest reach support the government and smear its perceived opponents."⁷⁰

And a year or two later, despite Vučić's assurances in Davos, Serbia's press freedom ranking continued to tumble, from 66th out of 180 countries in 2017 to 93rd in the 2021 World Press Freedom Index, marking the biggest setback out of all countries in the Western Balkans in recent years. As Vučić attempts to consolidate his own brand of authoritarian rule, he remains unmoved and unfazed by foreign criticism. In November 2021, Vučić blithely dismissed the criticisms contained in a Congressional letter by seven US Democrats calling on the U.S. President to push Vučić to "combat corruption and attacks on freedom of the press". The lawmakers described the Serbian government's preferential treatment of media favorable to its policies, "as emblematic of corruption and declining press freedom"; and said that the dealings of the majority state-owned Telekom Srbija have been "shrouded in secrecy", with it relentlessly 'scooping up' media and cable companies, strengthening the state's control over the sector.⁷¹

Vučić is no political novice and no stranger to repression. As Jasmin Mujanović recently reminded readers, the Serbian President cut his teeth in government as Slobodan Milošević's information minister between 1998 and 2000. It was a period that coincided with some of the regime's worst media and political repression. While Milošević waged a campaign of organized murder and terror against ethnic Albanian civilians in Kosovo, "Vučić remained a diligent Milošević apparatchik." It was through information minister Vučić that all opposition media editors had to run their content before publication to ensure only the most glowing coverage of the regime. So, it was no cause for surprise that when he returned to government in 2012 as deputy prime minister, "an immediate downturn in democratic and press freedoms followed."⁷²

In Jovan Jovanović's analysis of *The Vučić System*, he noted how immediately after coming to power Vučić laid the groundwork for a system of influencing or hindering the most popular media, including undermining the independence of public TV stations. A decisive election victory in March 2014, where SNS secured almost 50% of the votes and close to two-thirds of the seats in parliament, paved the way for the newly elected Prime Minister Vučić to consolidate power. The European Commission was soon to register that the

⁶⁹ Maja Zivanovic, Serbian President Accused of Hypocrisy for Media Freedom Speech, BIRN, 22 January 2019. Available at: <https://balkaninsight.com/2019/01/22/serbian-president-accused-of-hypocrisy-for-media-freedom-speech-01-22-2019/>

⁷⁰ Maja Zivanovic, Serbian Leader 'Following Orban' in Controlling Media – Freedom House, *Balkan Insight*, Belgrade BIRN, 5 June 2019. Available at: <https://balkaninsight.com/2019/06/05/serbian-leader-following-orban-in-controlling-media-freedom-house/>

⁷¹ Radio Free Europe, Serbia's Vucic Dismisses Critical Congressional Letter About Corruption, Media Freedom, RFE/RL Balkan Service, 7 November 2021. Available at: <https://www.rferl.org/a/serbia-vucic-congressional-letter-corruption/31550057.html>

⁷² Jasmin Mujanović, *The Regional Danger of Serbia's Government Disinformation Machine*, 16 February 2022. Available at: <https://www.justsecurity.org/80242/the-regional-danger-of-serbias-government-disinformation-machine/>

media sector was increasingly characterized by an environment that was not “conducive to exercise freedom of expression.”⁷³

What Jovanovic characterizes as the third phase of Aleksandar Vučić’s rule (*2017-2020: Taking Full Control*), began when Vučić was sworn in as the new President after being elected in the first round of the April election 31 May, 2017. What followed was increased attacks on independent journalists, including threats and harassment, judicial abuses and a tightening control over media. Illustrative of the climate is the fact that one of the only two regime-critical daily newspapers, *Nova*, is being printed in Croatia, since no printing house in Serbia dared to do so, fearing the wrath of the ruling party. In addition to protesting against the climate of intimidation, Serbian media associations also drew attention to the damaging impact of a disruptive state media monopoly, and the dodgy and arbitrary redistribution of public funds to government media; the illegal financing of some of the most influential publishers at state level; and the escalation in the use of public funds to purchase private media and place them under government control.⁷⁴

Among the key features identified by RSF and BIRN’s Media Ownership Monitor that endanger media pluralism are the following:

- **State influence:** “*Dependence on state funding makes most media rather propagandists of the ruling party than objective and impartial providers of information for citizens*” – In a media market that is small, oversaturated, poorly regulated and under extreme economic pressure, it is estimated that there are more than 1600 registered media outlets. The two public broadcasters – the national RTS and regional RTV – receive most of their revenues from the state budget. The permanent lack of capital, allows the state to control media through a combination of direct ownership and different models of state funding. Public funds are distributed arbitrarily and in a non-transparent manner, and usually in favour of pro-government media outlets. The total amount of state aid on the market and state advertising budgets is unknown to the public, but only 20% of state funding to media outlets is awarded through competitive processes. The extent to which this dependence on state funding turns much of the media into propagandists for the SNS “became visible during the presidential elections in April 2017, when Aleksandar Vucic – both prime minister and presidential candidate at the time – had ten times more airtime on national broadcasters than all other candidates combined.”
- **Lack of ownership transparency after flawed media privatisation:** Despite the media privatisation process that began in 2015, less than half of the 75 state-owned media outlets have been privatised. Only 34 former state-owned media were actually sold, while many others were closed. Private business interests bought up several outlets at once in some regions, and new concentrations of ownership emerged, as was the case with businessman Radoica Milosavljevic and the Kopernikus Cable Network, both close to the ruling Serbian Progressive Party (SNS). Other leading outlets, such as the newspapers *Vecernje Novosti* and *Politika*, have untransparent ownership structures, and are according to the Monitor, effectively state-run.⁷⁵

Telekom Srbija is perhaps emblematic of the manner in which Serbian President Aleksandar Vučić controls media; according to Serbian journalist Darko Čačić, this state-owned cable and broadband provider is used as a political weapon, and plays an important role in Vučić’s efforts to prevent the spread of critical voices. Telekom Srbija has been used to expand the media monopoly of the SNS, and to stifle media outlets whose editorial policy is not to the ruling party’s taste, by bankrupting them.

⁷³ Jovan Jovanović, *The Vučić System: An Analysis of the Consolidation and Concentration of Power*, Friedrich Naumann Foundation for Freedom Western Balkans, Belgrade, 2021. Available at: <https://shop.freiheit.org>

⁷⁴ Jovan Jovanović, *The Vučić System: An Analysis of the Consolidation and Concentration of Power*, Friedrich Naumann Foundation for Freedom Western Balkans, Belgrade, 2021. Available at: <https://www.freiheit.org/western-balkans/vucic-system>

⁷⁵ BIRN/ Reporters Without Borders, *Media Ownership Monitor: Serbia*, 2022. Available at: <https://www.mom-rsf.org/en/countries/serbia/>

As Čačić points out, Telekom Srbija gained its current media dominance not because of its business acumen but rather thanks to being protected by Serbia's ruling party. Business reports show Telekom Srbija's debt rose to €1.44 billion, from €289 million in 2017, following numerous acquisitions, including Telekom's purchase of cable operator *Kopernikus* in 2018 for around €200 million from a businessman close to the Serbian Progressive Party, who right afterwards bought TV channels *Prva* and *B92* (then *O2*), turning them into pro-government outlets. Telekom spent at least another €100 million in 2019 on the purchase of several small cable television and internet providers. Experts claimed that price of those acquisitions was significantly above the market value. The most blatant example of destroying the competition on the market was, according to Čačić, Telekom Srbija paying out a huge €600 million in July 2021 for the broadcasting rights to English Premier League matches for six seasons.⁷⁶

In August 2021, Vice President of the opposition Freedom and Justice Party Marinika Tepić unveiled a 38-million-Euros-worth contract, which showed how *Telekom Srbija* has been used to transfer taxpayers money to the accounts of companies owned by media moguls supporting the ruling Serbian Progressive Party (SNS). Tepić stated that this was proof that SNS administration (of *Telekom*) is paying for and acquiring media in Serbia with taxpayers' money: "proof of a scandalous organised crime of Vučić's financiers, who influence the media this way in order to laud him and suppress any criticism. And keep us in the media darkness."⁷⁷

4.4. Poland: step-by-step 'repolonisation'

"The battle that is taking place in Poland concerns the future of the European Union. Other EU member states do not lack politicians who see Kaczyński's Poland as an inspiration, not as a warning. We are past the point of cautious euphemisms."

(Adam Michnik, 10 March 2020)

Adam Michnik, editor-in-chief of the newspaper *Gazeta Wyborcza*, wrote to MEPs on 10 March 2020, warning the EU that the rule of law was being transformed into the rule of coterie of a single party in Poland, while "public media broadcasters were transformed into tools of shameless propaganda similar to that employed by Vladimir Putin in Russia and Recep Tayyip Erdoğan in Turkey."

The open letter, addressed to MEP's as they prepared to debate independence of the media in Poland, Hungary and Slovenia, warned of a 'creeping coup d'état', where the governing majority in Poland is "meticulously, step by step, dismantling the safety valves of our democratic order."

Michnik described how after the Law and Justice came to power in 2015, state institutions and companies controlled by the ruling camp terminated their subscriptions of media critical of the government and pulled out advertisements - including those on public tenders and public service announcements - from these outlets. All the while, "state coffers are wide open for media that happily espouse official propaganda", who have received more than €1.3bn in advertising revenue from public and state-owned entities alone.

Michnik described the acquisition of Polska Press in December 2019, by the state-controlled oil company PKN Orlen, as "eerily reminiscent of Gazprom's takeover of NTW television broadcaster in 2001 at the request of the Kremlin" – and its purpose is to dismantle editorial independence in Poland. The proposed

⁷⁶ Darko Čačić, 'Telekom Srbija: Vucic's weapon to stifle media freedom', *EURACTIV Bulgaria*, 23 July 2021. Available at: <https://www.euractiv.com/section/digital/opinion/telekom-srbija-vucics-weapon-to-stifle-media-freedom/>

⁷⁷ European Western Balkans, *State-owned company in Serbia financed pro-government media, opposition claims*, 26 August 2020. Available at: <https://europeanwesternbalkans.com/2020/08/26/state-owned-company-in-serbia-financed-pro-government-media-opposition-claims/>

introduction of a new media tax on advertising turnover, Michnik asserted, was a blatant attempt to financially bleed private outlets still reeling from the pandemic economic downturn and force them into the arms of the ruling camp, and he warned “If it succeeds, Poland will join the ranks of Russia and Hungary - countries with virtually no independent media.”⁷⁸

Since the Law and Justice party (PiS) came to power in 2015, it moved swiftly to take control of state broadcaster TVP, and the party committed itself to bringing foreign-owned media outlets under Polish control. In May 2016, President Kaczyński declared that this ‘repolonisation’ would be accomplished step-by-step, “obviously in accordance with the rules of civilised countries, by buying these media, making them Polish.” Kaczyński found it unacceptable in a sovereign country that “the media are largely in the hands of external owners and that they are being used for political ends.” According to the PiS head of the parliamentary committee on culture and member of the National Media Council, Elżbieta Kruk, “When we talk about repolonisation, we think about transforming the media so that they represent the Polish interest, that they are with and for Poles.” After Andrzej Duda’s reelection as President in 2020, Kaczyński portrayed the campaign as one ‘fought alone against all’, claimed that “the assault on us was coordinated by a powerful media front, also inspired from the outside”, and declared “Media in Poland should be Polish”.⁷⁹

Polska Press capture 2021: By October 2020, after reports emerged that the state-owned oil firm PKN Orlen was in talks to buy up Polska Press, which owned 20 out of Poland’s 24 regional daily newspapers as well as dozens more local weeklies and news websites, Poland’s culture minister called for state-run companies to buy as many media outlets as possible. In response to concerns about concentration of ownership, the minister responded by stating that Orlen is “a beautiful Polish company. Better Polish than German.”

By 2 March 2021, the state-owned oil firm PKN Orlen announced it had completed its controversial purchase of Polska Press – with its hundreds of local newspapers and websites – from its German owner, Verlagsgruppe Passau. Orlen justified the takeover as part of a ‘new business strategy’; leading figures from the ruling party celebrated the takeover for advancing their aim to ‘repolonise’ foreign-owned media. CEO of Orlen, Daniel Obajtek, stated that “Orlen does not intend to interfere with the journalistic content in titles published by Polska Press”. The publishing group’s editor-in-chief, Paweł Fąfara, promised to continue producing “independent, honest and free journalism” as long as he remained in his position.⁸⁰ By the end of April, he had been replaced by a journalist who had worked for outlets with ties to the ruling Law and Justice (PiS) party, and three editors-in-chief working at four of Polska Press’s newspapers had been dismissed, and replaced by journalists linked to media outlets linked to the ruling party.⁸¹

Lex TVN 2021: On 12 August, as international alarm grew at a new amendment designed to further tighten the government’s grip on critical media, and directly go after TVN, the country’s leading independent broadcaster, even European Commissioner Vera Jourova was moved to tweet: “Media pluralism and diversity of opinions are what strong democracies welcome, not fight against. The draft Polish broadcasting law sends a negative signal.”⁸² TVN had long been in the government’s sights, and its attitude to TVN never lacked for vitriol:

⁷⁸ Adam Michnik, ‘Letter: Poland on brink of having no independent media’, *euboserver*, 10 March 2021. Available at: https://euboserver.com/opinion/151172?utm_source=eubos&utm_medium=email

⁷⁹ Wojciech Czuchnowski and Agnieszka Kublik, ‘Kaczyński: Media in Poland should be Polish’, *News from Poland*, 15 July 2020. Available at: <https://wyborcza.pl/7,173236,26130626,kaczynski-media-in-poland-should-be-polish.html?disableRedirects=true>

⁸⁰ Maria Wilczek, ‘Polish state oil giant completes media takeover as editor promises to defend independence’, *Notes from Poland*, 2 March 2020. Available at: <https://notesfrompoland.com/2021/03/02/polish-state-oil-giant-completes-media-takeover-as-editor-promises-to-defend-independence/>

⁸¹ Daniel Tilles, ‘Three Polish newspaper editors replaced following state oil giant takeover’, *Notes from Poland*, 30 April 2021. Available at: <https://notesfrompoland.com/2021/04/30/three-polish-newspaper-editors-replaced-following-state-oil-giant-takeover/>

⁸² See: <https://twitter.com/VeraJourova/status/1425754084557139977?s=20>

“When it comes to TVN, it provides an anti-Polish, pro-gender and neo-Marxist message. From the very beginning of its existence it has waged a war on Polish raison d’etat and Polish national interests.”

(Stanisław Pięta, MP for PiS, 2017)

By 17 August, a record number of 1,044 journalists had signed an open letter to defend TVN and media freedom, which condemned the government's actions as “reminiscent of introducing quasi-censorship by means of market regulations, which previously took place in Putin's Russia or Orbán's Hungary.” The letter condemned the manner in which the amendment, known as ‘Lex TVN’ was pushed through as “a brutal violation of the rules of procedure” and “an open case of political corruption.”⁸³

On 14 September 2021, Reporters Without Borders (RSF) declared a “press freedom state of emergency” in a statement condemning Lex TVN amendment which rejected by Poland's senate, RSF called on the lower house (the Sejm) and President Andrzej Duda to reject this amendment.

The bill heightened fears among journalists that Poland is trying to replicate the media capture that went down in Orbán's Hungary, and to create ‘Budapest in Warsaw’. With the government setting its sights on TVN, their intent was clear and the stakes for Europe were high. As RSF's Pavol Szalai stated *“PiS is pushing an amendment to the broadcast law whose objective is clear: first weaken and then take control of the biggest source of independent news in this major EU country. Attacking TVN means attacking press freedom in Europe.”*⁸⁴

In August, the bill was rejected by the opposition-controlled Senate. However, on 17 December, the Sejm unexpectedly voted to override the Senate's veto. Lawmakers had not been scheduled to vote on the bill, but it ended up on the Sejm agenda after a committee convened at short notice to discuss the issue. This move prompted protests from the US and the EU, with Commission Vice-President Věra Jourová vowing “Once this bill becomes a law, the Commission will not hesitate to take action in case of non-compliance with EU law.” Seventeen international media freedom and journalists' groups petitioned President Duda to veto this, urging him to apply the presidential veto to the so-called “Lex-TVN” amendment.

On 20 December 2021, independent journalist, Dorota Nygren, who was earlier removed from her position as desk editor for Polish Radio, spelled out the dangers in the amendment:

*“The elimination of the private television channel TVN is another step on the road to state capture by one party – after the politicisation of the prosecutor's office and Constitutional Court, the takeover of the public media, the attempt to take over the courts and the purchase of most regional newspapers by a state-owned company.”*⁸⁵

Seven days later, in a move inconceivable in neighbouring Hungary, the Polish President went against the ruling party and vetoed the bill. In a televised statement on 27 December, Duda announced “I am vetoing it”, citing concerns about business arrangements and investment treaties with the United States, as well as concerns about freedom of speech. This prompted a tweet from Commissioner Věra Jourová: “Good news from Poland. I welcome the announcement by President Duda that he vetoes Lex TVN. This is an important signal for dialogue”.⁸⁶ To override the veto, PiS would now need a two-thirds majority in the Sejm, with at

⁸³ Piotr Pacewicz, Lex TVN. 1044 journalistic signatures from independent media. And who is with the power? Who abstained?, *OKO Press*, 17 August 2021. Available at: <https://oko.press/lex-tvn-1041-dziennikarskich-podpisow-z-niezaleznych-mediow-a-kto-z-wladza/>

⁸⁴ Reporters without Borders, *RSF declares “press freedom state of emergency” in Poland*, September 13, 2021. Available at: <https://rsf.org/en/news/rsf-declares-press-freedom-state-emergency-poland>

⁸⁵ Public Media Alliance, *Poland: President must reject new media law*, 20 December 2021. Available at: <https://www.publicmediaalliance.org/poland-president-must-reject-new-media-law/>

⁸⁶ Annabelle Chapman, IPI contributor, *Poland: Veto of ‘lex-TVN’ a victory for media freedom: President Duda rejects controversial foreign media ownership bill*, Jan 10, 2022. Available at: <https://ipi.media/poland-veto-of-lex-tvn-a-victory-for-media-freedom/>

least half of lawmakers present, far more than its current majority. This means that Duda's veto is unlikely to be overridden. However, this setback for PiS does not signal the demise of repolonisation, but rather that the attack on independent media must now proceed, as Kaczyński cynically put it, "step-by-step, and obviously in accordance with the rules of civilised countries."



FRONTAL ATTACKS ON FREE MEDIA: SMEARS, VILIFICATION AND INTIMIDATION OF JOURNALISTS

“Today, being an independent journalist in Central Europe is a challenge. It involves — in addition to the increasing financial instability of reporters — exposing oneself to oppression, secret service surveillance and violence by police during demonstrations. It is about being ignored by party officials and activists who throw questions from the media like rubbish into a bin. There are fewer and fewer independent journalists who are critical of the authorities and who have not yet been driven out of their jobs by this daily oppression and obstruction.”⁸⁷

(Wojciech Cieřła, 11 March 2021)

In December 2020, the Association of European Journalists (AEJ), criticized the EU for not doing enough to guarantee journalists' safety, and warned of an increasing number of verbal and violent attacks in a toxic environment that has led to a drop in press freedom across Europe. According to the AEJ report, since 2015, more than 640 cases of violence against journalists have been reported in the Council of Europe; 60 of which, including 14 murders occurred across the European Union.

The AEJ called out public authorities in several European countries, as they appear to be the main source of the threats, accounting for 57% of the press freedom violation cases, while allegations about breaches of the rule of law across Europe have made journalists more vulnerable to being targeted by politicians. AEJ demanded that Europe's political leaders and EU institutions help put an end to the legal harassments and gag orders that have become increasingly common in the European Union and have specifically targeted both public and privately-held news agencies. The AEJ called for more protection from violence, noting the dangers that investigative journalists face in Europe, because of physical attacks and death threats by criminal organisations.⁸⁸

Neither were death threats idle threats, as was made tragically clear by the brutal murder of Maltese investigative journalist Daphne Caruana Galizia in October 2017, followed by the assassination of Marek Vagovič — a member of the investigative team at *Aktuality.sk* — and his partner in Vel'ká Mača, a small town about 60 km from Bratislava, on 26 February 2018. In the wake of these assassinations RSF noted in its 2018 annual report that “the traditionally safe environment for journalists in Europe has begun to deteriorate”, and pointedly noted that political leaders were increasingly the source of the verbal attacks and harassment that had created this perilously hostile climate for journalists:

⁸⁷ Wojciech Cieřła, ‘Media Freedom in Poland: Critical journalists face oppression and obstruction’, *Investigate Europe*, 11 March 2021. Available at: <https://www.investigate-europe.eu/en/2021/media-freedom-in-poland-critical-journalists-face-oppression-and-obstruction/>

⁸⁸ Raphaella Stavrinou, ‘Watchdogs say press freedom in the EU is under threat’, *New Europe*, 18 February 2020. Available at: <https://www.neweurope.eu/article/watchdogs-say-press-freedom-in-the-eu-is-under-threat/>

*"In Slovakia, relations between the media and (now former) Prime Minister Robert Fico were marred by frequent incidents. He called them 'filthy anti-Slovak prostitutes' and 'idiotic hyenas' and often sued them. In the Czech Republic, [President Milos Zeman](#) brandished a dummy Kalashnikov inscribed with the word 'journalists' at a press conference, after previously calling journalists 'manure' and 'hyenas' and suggesting they should be 'liquidated' while standing alongside Russian President Vladimir Putin."*⁸⁹

RSF noted that the 'sickening atmosphere' was not limited to central Europe, highlighting how political leaders in Austria, Spain, and France have resorted to 'media bashing' rhetoric; that in Italy, ten investigative reporters were getting round-the-clock police protection because of death threats from mafia networks; and that the threat of government interference to press freedom featured in countries such as Croatia, Spain, France and the UK. So, clearly among EU Member States, Poland and Hungary do not have a monopoly on intimidation of media professionals; but nowhere else in the Union is it so systemic, so overt, and such a relentless and routine component of deliberate government policy to harass independent journalists.

5.1. Poland's journalists 'routinely smeared and vilified, discredited and delegitimised'

"We declare that we will not bow to repression and will not allow ourselves to be intimidated. Criticizing all power and exposing its abuses is our civic and democratic duty. Even when the abuse of power affects our journalists and ourselves."

(Editors of Gazeta Wyborcza, 4 October 2021)

In addition to the ruling party's attempts to starve several print media outlets by restricting advertising from public funds as part of a wider attempt to weaken checks and balances, silence independent voices and control the public sphere, PiS is not averse to employing more direct methods to intimidate journalists and to keep them in check. The following findings are directly excerpted from the Media Freedom Rapid Response (Mfrr) December 2020 mission report on Poland:

- Legal harassment of independent media reached unprecedented levels in 2020 as PiS officials and their allies continued efforts to bury critical outlets under an avalanche of costly and time-consuming court battles. Both publishers and publications have been targeted with vexatious civil defamation and libel cases. Questionable criminal investigations, though rarer, have also been brought disproportionately against watchdog media.
- Many lawsuits are initiated by government agencies, state bodies or PiS politicians themselves, and are aimed at draining newspapers' financial resources. The abusive nature of these cases means many can be classified as Strategic Lawsuits Against Public Participation (SLAPP), a form of legal harassment used to intimidate and silence public interest journalism.
- Journalists in Poland work in a hyper-polarised society in which threats and insults linked to their profession have become increasingly normalised in recent years. As media have become enmeshed in "culture wars", social media vitriol has increasingly been targeted at journalists on both sides of the political spectrum. Many Polish editors interviewed by the mission said their reporters were routinely vilified, discredited and delegitimised in smears in pro-government media or by PiS officials. Tried-and-tested accusations include journalists being dismissed as "antiPolish", "political activists" or "foreign agents".

⁸⁹ Reporters without Borders (RSF), *RSF Index 2018: Journalists are murdered in Europe as well*. Available at: <https://rsf.org/en/rsf-index-2018-journalists-are-murdered-europe-well>

- Gender-based insults against female journalists online and the publishing of unsubstantiated rumours and conspiracy theories about foreign publishers are also common. Pro-government mouthpieces and the public broadcaster TVP – which has effectively become a personal communication tool of the ruling party – are used to spread propaganda and at times relentlessly attack Law and Justice's critics in the media, contributing to a worsening climate of hostility.
- In addition to vilification, journalists are also subject to discrimination when it comes to access to information. After taking power in 2015, PiS appointees were given leadership positions across state agencies. Public officials connected to the ruling party now routinely refuse communication or interviews with certain media. Reporters are often denied access to legally guaranteed and publicly held information without explanation. Critical reporting about officials or institutions is sometimes met with retaliation in the form of cancellation of accreditation or blocked entry to political events.
- Journalists also faced an increased risk of violence in 2020. While such attacks are rare, in October and November there was a clear increase in violence against journalists covering protests. Several were injured and some hospitalised after violence from both protesters and police officers. On some occasions, police hit or shot rubber bullets at journalists clearly identifiable by 'PRESS' insignia. Heavy-handed behaviour by law enforcement culminated in the high-profile arrest of a photojournalist in November.⁹⁰

The editors of *Gazeta Wyborcza* described how SLAPP attacks aim for a "chilling effect", where media outlets engage in self-censorship, become intimidated and are forced to stop criticizing those in power and their associates, to no longer keep them in check. Kaczynski has made no secret of his distaste for *Gazeta Wyborcza* and the newspaper is constantly flooded with malicious lawsuits; in 2018 Kaczynski said that the newspaper disseminates "liberalism, anti-traditionalism, anti-Catholicism"; accused it of using the "pedagogics of shame"; and condemned it as being "against the very notion of the nation."⁹¹

In October 2021, Roman Imielski, the *Wyborcza*'s deputy editor condemned a raid and seizure of computer equipment from one of the paper's journalists, and described the police incursion which took place without a warrant as a strike "against the fundamental right to journalistic secrecy in a democracy." In a statement published on the paper's website, the newspaper's editors vowed to use all legal means to protect its journalists from 'harassment by the authoritarian authorities', and described the police raid as a thinly-veiled attempt to suppress critical journalism. The editors were not surprised that the target was a journalist associated with *Wyborcza*: *"For years, our newspaper has been subjected to legal attacks and smear campaigns orchestrated by the ruling camp, its institutions, and organs. We have been flooded with dozens of lawsuits and now hold the inglorious record among all Polish independent media outlets."*⁹²

In November 2021, Poland's defence minister Błaszczak declared he had "awarded" soldiers who were accused of attacking three journalists near the border with Belarus, claiming the soldiers reacted firmly and fairly, just as a recording of the incident emerged revealing offensive language used by the soldiers, and also how they discussed destroying and stealing the reporters' equipment, as well as wiping it clean of their fingerprints. The minister accused the reporters of "acting irresponsibly", and an official statement from his department called the soldiers' intervention – which took place in an area outside the border emergency zone that journalists are banned from entering – "fully justified". The day after the journalists were punished by a court with a reprimand.⁹³

⁹⁰ Media Freedom Rapid Response (Mfrr), *Democracy Declining: Erosion of Media Freedom in Poland Press Freedom, Mission to Poland*, November-December 2020, Mission Report. Available at: https://ipi.media/wp-content/uploads/2021/02/20210211_Poland_PF_Mission_Report_ENG_final.pdf

⁹¹ Quoted from: <https://www.dw.com/en/soros-boosts-anti-pis-media-ahead-of-crucial-polish-polls/a-47686631>

⁹² Roman Imielski, *Police Raiding the Home of Our Journalist is a Provocation and an Attack on Media Freedom* Statement by *Wyborcza*'s Editors, 3 October 2021. Available at: <https://wyborcza.pl/7,173236,27643674,police-raiding-the-home-of-our-journalist-is-a-provocation-and.html>

⁹³ Agnieszka Wądołowska, 'Polish defence minister "awards" soldiers accused of attacking journalists as new recording emerges', *Notes from Poland*, 22 November 2021. Available at: <https://notesfrompoland.com/2021/11/22/polish-defence-minister-awards-soldiers-accused-of-attacking-journalists-as-new-recording-emerges/>

In November, Poland's commissioner for human rights, Marcin Wiącek, brought the case to the Supreme Court, and on 20 January 2022, Poland's Supreme Court recognised the commissioner's appeal as "obviously justified" and the punishment of the journalists as "obviously wrong"; and ruled that the government's ban on media visiting the border with Belarus – where a state of emergency was declared in response to a migration crisis – violated constitutional freedoms. In their justification the judges said that, "People who work as journalists have a unique legitimacy to be in places where important events take place."⁹⁴

However, while common sense may have prevailed in the Supreme Court, the ruling party signaled what to expect with regards to independent journalism for 2022, through its loyal head of Poland's public broadcaster TVP, Jacek Kurski. Under the leadership of Kurski, who was appointed in 2016 shortly after his former Law and Justice (PiS) party came to power, TVP has become a propaganda machine for the government to promote its narrative and to attack opponents. Kurski had previously stated that Poland is facing a "neo-Bolshevik onslaught" – an onslaught that must be fought using public media, which has a duty to "defend the moral order." On 3 January, Kurski advanced the wild conspiracy theory that a plan is being implemented, with external support, to overthrow the Polish government. The situation, he claimed, is made even more dangerous by the "participation of a fifth column" within Poland, which includes "media who clearly work in support of these processes of destroying the Polish state and find any opportunity to attack TVP – the "largest medium that is able to defend the narrative of Polish independence, the Polish national interest."⁹⁵

5.2. Belligerent official discourse and systematic denigration of journalists in the EU's only 'non-democracy'

The 2020 Freedom House report described Serbia, Montenegro and Hungary as 'hybrid regimes' rather than democracies because of declining standards in governance, justice, elections and media freedom. Hungary was the only EU country to be ranked as a non-democracy. According to the report, "Hungary's decline has been the most precipitous ever tracked in Nations in Transit; it was one of the three democratic frontrunners as of 2005, but in 2020 it became the first country to descend by two regime categories and leave the group of democracies entirely."⁹⁶

A year later, when RSF added Viktor Orbán as the first European Union leader to its 2021 Press Freedom Predators wall of shame, it noted that in addition to discriminating against independent media in government advertising and access to official information, belligerent official discourse towards their journalists means that they "are systematically denigrated in pro-government media, which call them purveyors of 'fake news'". This charge was made a criminal offence during the Covid-19 crisis, with the effect of self-censorship on journalists and their sources. These varied predatory techniques have proved so effective that they have inspired Orbán's Polish and Slovenian allies."⁹⁷

⁹⁴ Agnieszka Wądołowska, 'Ban on media at Belarus border violates freedoms, rules Polish Supreme Court', *Notes from Poland*, 20 January 2022. Available at: <https://notesfrompoland.com/2022/01/20/ban-on-media-at-belarus-violates-freedoms-rules-polish-supreme-court/>

⁹⁵ Daniel Tilles, 'External forces trying to overthrow Polish government using fifth column, says head of public TV', *Notes from Poland*, 3 January 2022. Available at: <https://notesfrompoland.com/2022/01/03/head-of-polish-public-tv-fifth-column-trying-to-overthrow-government-with-foreign-support/>

⁹⁶ Milica Stojanovic, Freedom House: Serbia, Montenegro, Hungary 'No Longer Democracies', *Balkan Insight*, May 6, 2020. Available at: <https://balkaninsight.com/2020/05/06/freedom-house-serbia-montenegro-hungary-no-longer-democracies/>

⁹⁷ RSF NEWS, *RSF's 2021 "Press freedom predators" gallery – old tyrants, two women and a European*, 2 July 2021. Available at: <https://rsf.org/en/news/rsfs-2021-press-freedom-predators-gallery-old-tyrants-two-women-and-european>

While the Hungarian regime does not, as a rule, resort to the kind of physical violence and intimidation favoured by leaders of other 'non-democracies' such as Serbia and Turkey, as RSF put it, "their methods may be subtle or brazen, but they are always efficient." The European Federation of Journalists reporting back on its mission to Hungary in 2019 found a deeply distorted media landscape where "independent media in Hungary are regularly smeared as political activists, 'Hungary-haters', foreign agents or traitors. They are being starved into submission through the state's abuse of public resources and harassment of private advertisers, even as the government shovels vast sums of taxpayer money into its own media mouthpieces."⁹⁸

Hungarian journalists interviewed described a coordinated system of censorship and content control not seen since the fall of the Communist regime; how they are routinely denied access to publicly-held information, excluded from official events, and prevented or actively hindered from communicating with public officials. The mission found that the work of independent outlets is "blunted by a dominant pro-government narrative", and their reach is mostly limited to Budapest, leaving the majority of the country's population in the dark. The impact of the independent press is further limited for the simple reason that the outcomes of their investigative endeavours "are simply ignored by the state apparatus due to informal government control over key institutions, including prosecutor's offices."

Numerous experts suggested that the government's strategy is to allow just enough independent media to claim the existence of a free press, while insulating a large part of the population (particularly those outside of cities) from critical narratives. All the while, independent journalists are forced to lead precarious lives in a hostile environment, burdened by financial stress, and subject to public stigmatisation, smear campaigns, and bureaucratic harassment. Female journalists note that gender is used as an additional excuse to diminish their critical work. Some also highlighted gender-based online harassment and reported receiving rape threats following reporting on sensitive topics. This is a deeply damaging and corrosive for the profession, and hinders its ability to perform its very necessary role to defend the public interest and hold those in power to account.⁹⁹

Research conducted by the Hungarian Civil Liberties Union (HCLU) in 2021, similarly revealed that systemic government obstruction of the work of the independent media takes the form of ignoring press inquiries, open rejection, physical restrictions applied to journalists, discreditation, stigmatisation, and intimidation of their sources. From the independent media outlets and journalists surveyed in the research, it was clear that the lack of offline press conferences, the tactics of ignoring press inquiries and intimidating sources in the education and healthcare sectors, resulted in a lack of information about the Covid-19 pandemic. It was noted that online press conferences held by the Government preclude any kind of interactivity, as journalists have to send their questions in advance, and officials arbitrarily decide which questions will be answered and questions coming from regime-critical outlets "systemically remain unanswered".¹⁰⁰

Physical restriction faced by journalists are especially problematic in the Parliament building. In May 2020, the European Court of Human Rights ruled in favour of journalists who were expelled from the Parliament building (*Mándli and Others v. Hungary*). Despite this decision, the regulations restricting the presence of the press in the building have not changed. The submission also noted that there is still no dedicated law enforcement capacity to prevent or investigate attacks on journalists, and neither criminal law nor law enforcement practice treats journalists as a group that requires enhanced protection. Other significant obstructions faced by journalists included the withholding of access to information and public documents, such as withholding politically sensitive public interest data even after the final binding judgment of the court.

⁹⁸ European Federation of Journalists, *New report: Hungary dismantles media freedom and pluralism*, Available at: <https://europeanjournalists.org/blog/2019/12/03/new-report-hungary-dismantles-media-freedom-and-pluralism/>

⁹⁹ *Ibid*

¹⁰⁰ Helsinki Committee, *Contributions of the Hungarian civil society organisations to the European Commission's Rule of Law Report*, March 2021, pp 34-40. Available at: https://helsinki.hu/wp-content/uploads/2021/03/HUN_NGO_contribution_EC_RoL_Report_2021.pdf

The government issued a decree during the 'state of danger' in May 2020, extending the deadline for responding to FOI request from the normal 15 days to 45 days (a deadline that data managers are authorised to extend for a further 45 days).¹⁰¹

State and allied non-state actors increasingly take to the courts with lawsuits against journalists and independent media outlets with the intent to silence criticism and investigative journalism. Often based on alleged violation of GDPR regulations, high-end entrepreneur families, who receive state subsidies, seek injunctions or pursue defamation cases in response to articles which have reported or attempt to report on families' current wealth and how they accumulated their wealth. As the civil society submission noted, this novel interpretation of GDPR rules seriously endangers freedom of expression. Press rectification cases are often initiated by some government-linked tycoons, politicians, and authorities against independent media outlets, and civil law and criminal defamation procedures are regularly initiated against journalists. The fear of heavy and crippling fines that could be imposed if the courts find a breach of regulations "has a serious chilling effect."

Data acquired via FOI request by the investigative portal Átlátszó.hu, about the number and outcome of press rectification trials which took place in 2020, shows that in the overwhelming majority of the cases independent media outlets won the rectification trials. Out of 65 lost trials, only four were related to independent media outlets, which means that more than 93% of lost trials were related to government-friendly media outlets. The rule of law submission concludes, "the data clearly shows that the majority of rectification cases against independent media is unjustified." This frequent recourse to the courts is nothing more than a strategy to silence and stall investigative and critical reporting.

A further obstacle to freedom of expression and the work of journalists was an amendment of the Criminal Code in spring 2020, in which statements judged to be capable of "hindering or thwarting the effectiveness of the state's protection (e.g. against the virus)" are punishable by imprisonment for up to five years. According to HCLU's 2020-2021 research, the amendment directly affects the majority of journalists surveyed, in ways ranging from plain fear for their personal freedom to the necessity to do exhaustive and excessive fact-checking and just "letting certain stories go."¹⁰²

"We are a disturbance, and it lies in the unscrupulous logic of a dictatorial one-party system to bury or assimilate everything that is disruptive."

(György Bolgár, Klubrádió, September 2020)¹⁰³

The decade-long hounding and eventual forced closure of *Klubrádió* by the authorities is emblematic of how the Orbán regime operates to prevent journalists from doing their job in an EU-member state, where acts of political vindictiveness against free media are cloaked with a semblance of legality. Two minor infringements by *Klubrádió* from 2016 were interpreted as "repeated violations" by the Fidesz-stacked Media Council as justification to reject the station's license renewal. A Budapest court subsequently backed the decision of the Media Council, a verdict described as 'shameful' by *Klubrádió* CEO András Arató, who told Reuters, "We are witnesses to a verdict that serves an endlessly cowardly, anti-democratic, illiberal system. It is not a surprise, but it is still sad"¹⁰⁴; and at midnight on 14 February 2021, one of Hungary's last remaining independent radio stations went off the air.

Fidesz spokesman Zoltán Kovács, stated that the government had "neither the right, the will, nor the possibility to interfere with the legal disputes of private market actors, the media authority and the courts." Denying the government had any hand in shutting down *Klubrádió*, Kovács insisted that the radio station's

¹⁰¹ *Ibid*

¹⁰² *Ibid*

¹⁰³ Quoted from: <https://www.dw.com/en/hungarys-opposition-klubradio-to-be-taken-off-the-air/a-56514980>

¹⁰⁴ Quoted from: <https://www.dw.com/en/hungarys-opposition-klubradio-to-be-taken-off-the-air/a-56514980>

own management was to blame for its demise “by flagrantly disregarding broadcasting regulations and falling afoul of the court.” Kovács claimed that no-one is “going to hear about these repeated violations from mainstream, liberal media outlets, simply because it would not fit their anti-Orbán agenda, and some of our critics, to whom these media turn for sources, will use whatever means possible to denigrate this government.”¹⁰⁵

This line was rejected by Ágnes Urbán of Mertek Media Monitor: “The media council is not an autonomous authority: all members have been delegated by the ruling party. It is absolutely obvious that this was basically a decision of the government.”¹⁰⁶ The court decision, which sealed the fate of the station, followed an earlier rejection by the same court of Klubrádió’s request for an emergency license. This prompted a protest from Media Freedom Rapid Response (MFRR), which called – to no avail – on the European Commission to immediately engage with the Hungarian government, which MFRR claimed was acting in direct contravention to Article 11 of the European Union’s Charter of Fundamental Rights on freedom of expression and information.

MFRR insisted that it was “essential for the Commission to recognise that as with the fall of independent titles such as *Index*, *Origo* and *Népszabadság* before it, the situation facing Klubrádió has been carefully designed by Fidesz to give the administration plausible deniability in the station’s demise. It is likely to present Klubrádió’s fall as a decision made by the letter of the law, rather than one crafted by political forces.”¹⁰⁷

A spokesman for the European Commission was moved to comment that the case “only aggravates our concerns” about press pluralism in Hungary. These rulings, which effectively consigned Klubrádió to broadcasting only on the internet, marked a significant win for Orbán in his decade-long campaign to silence radio dissent in Hungary. As Jamie Wiseman wrote, pressure on Klubrádió was constantly ratcheted up over the years as the station was fined and blacklisted for interviews, information and advertising from state-owned companies and agencies, and the media regulator stripped it of regional frequencies, confining it to the capital.

When the time came for licence renewal in 2020, and minor infringements from 2016 were repackaged as repeated violations, the government pushed through an amendment that prohibited the granting of provisional licences while litigation was ongoing. Finally, to shut off the last refuge on the airwaves, DAB+ digital broadcasting, was discontinued by the government in 2020. As Wiseman put it: “This multi-pronged effort to stack the deck against Klubrádió reflects the Hungarian government’s strategy of media and regulatory capture. State institutions have been filled with Fidesz loyalists and then abused to artificially distort the market and undermine independent media.”¹⁰⁸

¹⁰⁵ Zoltán Kovács, ‘Klubrádió committed major infractions, violated basic broadcasting regulations not once, not twice, but six times’, *About Hungary Blog*, 10 February 2021. Available at: <https://abouthungary.hu/blog/klubradio-committed-major-infractions-violated-basic-broadcasting-regulations-not-once-not-twice-but-six-times>

¹⁰⁶ Valerie Hopkins, ‘Hungary media freedom fears mount as broadcaster goes off air’, *Financial Times*, 13 February 2021. Available at: <https://www.ft.com/content/3f01c295-ae4e-42f4-8b81-8279ba90cd82>

¹⁰⁷ International Press Institute, *MFRR calls for EU action as Hungary’s last independent radio is silenced*, 4 February 2021.

Available at: <https://ipi.media/hungary-mfrr-calls-for-eu-engagement-in-klubradio-future/>

¹⁰⁸ Jamie Wiseman, ‘Opinion: How Orbán killed a radio station’, *EU Observer*, 15 February 2021. Available at: <https://euobserver.com/opinion/150916>

5.3. Serbia: “a country where it is often dangerous to be a journalist”

“We journalists are the last threat to organized crime and corruption. And the nail that sticks up gets pounded down the hardest.”

(Stevan Dojčinović, KRIKK)

On 22 December 2021, in a protest letter to the Serbian government, the Media Freedom Rapid Response (MFRR), described the latest wave of vexatious express lawsuits against the Network for Investigation of Crime and Corruption (KRIK) in Serbia as a series of SLAPPs designed to drag KRIK through lengthy legal processes, hinder staff from doing their jobs as journalists, stifle independent media scrutiny and ultimately undermine what remains of press freedom: *“In recent months, KRIK’s newsroom has been targeted by ten different procedures filed, in most cases, by people in power or business people close to the government, requesting a total of 90 million dinars in damages – three times more than the media outlet’s annual budget.”*¹⁰⁹

Earlier that month, KRIK’s staff received death threats on social media following a story they published about the son of the Serbian President, Danilo Vučić. There has been nothing but bad news for independent media since 2014 when Aleksandar Vučić, became the dominant figure in Serbian politics. As RSF stated in 2020: *“After six years under the leadership of Aleksandar Vučić, first as Prime Minister and then as President, Serbia has become a country where it is often dangerous to be a journalist and where fake news is gaining in visibility and popularity at an alarming rate.”* The report also noted that attacks on the media and death threats against journalists have increased, but the perpetrators are not being prosecuted.¹¹⁰ In 2019, KRIK journalist Stevan Dojčinović, explained to AJ+ the predicament facing the network:

*The government is suing us. It makes us pay seemingly random tax bills. It follows us with intelligence agents and publishes fake stories in pro-government media about us. It even created a fake network of investigative reporters who only seem to investigate us and other so-called enemies of the state. KRIK team members are under court proceedings now. Threats have been sent to our newsroom. And the homes of two of our reporters were broken into, and we have been targets of surveillance by the secret service for a long time. They published lies about me on the front pages of Serbian leading media. It feels like it was never as hard as today to tell the truth.*¹¹¹

The threats and intimidation visited upon KRIKK is part of a wider pattern of oppression of independent media in Serbia, as highlighted by the 2021 *Article 19* report on media freedom and safety of journalists. Among the most ‘worrying concerns’ raised concerning the safety of journalists were the following:

- Cases of politicians or public officials openly threatening journalists, targeting and defining them as “enemies of the state” or “traitors”. These acts can be seen to condone and encourage threats, coordinated online harassment or even physical violence. For instance, a recent smear campaign run by pro-government tabloids against the independent investigative outlet KRIK falsely claimed a collaboration of KRIK with a criminal organisation.
- Online harassment and smear campaigns which generates deep insecurity and uncertainty amongst journalists, who may self-censor and fear for their safety in the absence of adequate protection from

¹⁰⁹ European Federation of Journalists, *Serbia: Wave of lawsuits against investigative portal KRIK chills media freedom*, 22 December 2021. Available at: <https://europeanjournalists.org/blog/2021/12/22/serbia-wave-of-lawsuits-against-investigative-portal-krik-chills-media-freedom/>

¹¹⁰ Sandra Maksimović, *Serbia’s fall on media freedom list: “If it continues like this, there will no longer be anything to measure”*, European Western Balkans, 5 May 2020. Available at: <https://europeanwesternbalkans.com/2020/05/05/serbias-fall-on-media-freedom-list-if-it-continues-like-this-there-will-no-longer-be-anything-to-measure/>

¹¹¹ AJ+, *Serbian Journalist Warns U.S. About Weakening Democracy*. Facebook Video. Available at: <https://www.facebook.com/ajplusenglish/videos/2380306712283568/>

the state. Women journalists are targeted by specific forms of online harassment of a sexual nature or have threats made against their family members.

- Journalists working in smaller towns or remote areas are even more vulnerable and at higher risk than their colleagues in Belgrade or Novi Sad, and feel less encouraged to report cases of intimidation or violence to police.
- Journalists place low trust in the police and the justice system, and very often choose not to report to police cases of targeted attacks or harassment. The report found that access to justice for targeted journalists is not consistent: sometimes police and prosecution do not investigate these acts, or they claim alleged lack of resources to investigate violent attacks or online threats against journalists. Equally, the judiciary often dismisses cases of violence or intimidation against journalists allegedly for lack of evidence or intent to harm.
- Numerous concerns about the Serbian legislative framework and the judiciary's failure to comply with international freedom of expression law and standards. These laws are used by public officials, politicians and other public figures to initiate lawsuits against journalists in retaliation for their work on reporting and commenting on matters of public concern. The two laws are the Law on Public Information and Media (Media Law) and the Law on Obligations.¹¹²

In 2020, attacks on the safety of journalists in the context of the COVID-19 pandemic included Ana Lalić, who as the *Article 19* report noted, was the first journalist in Europe to be arrested and investigated by police for spreading 'panic' among the population. Her house was raided by police officers and equipment was confiscated, and on 1 April 2020, Lalić was placed in detention on suspicion of publishing an article allegedly causing panic and disorder in the public. She was subsequently released in the morning of 2 April after being interrogated by police officers. Another case of concern for *Article 19*, was KRIK journalist Bojana Pavlović who, in June 2020, was left unprotected by police after she took photos of Danilo Vučić, son of President Aleksandar Vučić, in the company of a man suspected to be a member of a criminal gang. The police first asked her to delete the photos and later left her without protection when a group of men approached and intimidated her.¹¹³

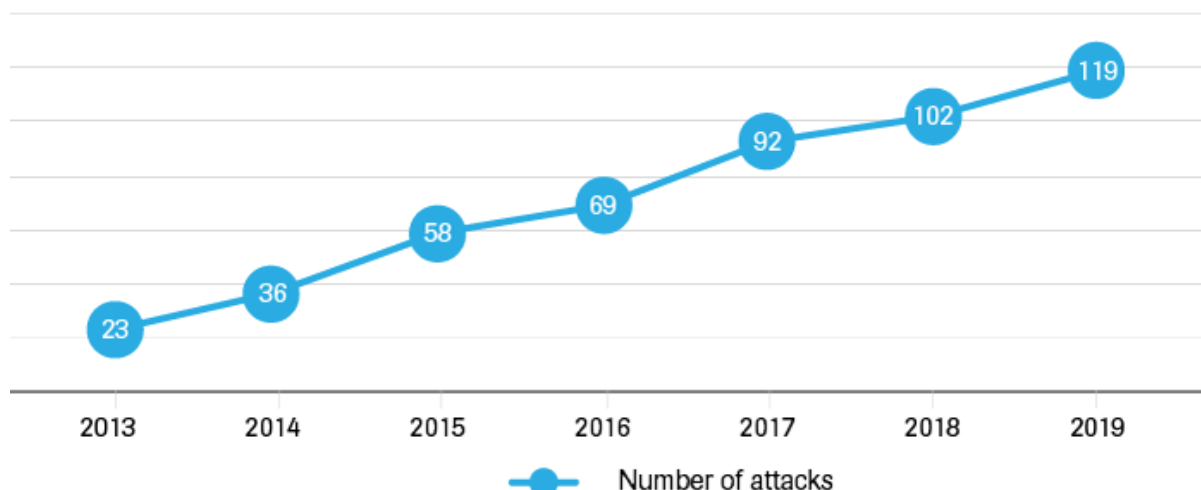
Concerns about state violence against reporters in Serbia were also raised in 2021 by the Council of Europe in its annual report. In Serbia, the Platform documented several violations against the media by police officers during protests in July 2020 over the government's reimposition of Covid-19 lockdown. Beta news agency journalist Žikica Stevanović was beaten with batons by police despite showing his journalist ID. Stevanović was taken to hospital with injuries and cuts to his head and eyes. Two cameramen for the same agency, Luka Pređa and Relja Pekić, were also slightly injured. Nova.rs journalist Marko Radonjić was beaten by the police despite having told them several times that he was a journalist on assignment.¹¹⁴

¹¹² Article 19, *Media Freedom and Safety of Journalists in Serbia Media Freedom Rapid Response Mission Report 26 April 2021*, London 2021. Available at: <https://www.article19.org/wp-content/uploads/2021/04/MFRR-Serbia-mission-report.pdf>

¹¹³ *Ibid*

¹¹⁴ Safety of Journalists Platform, *Wanted! Real action for media freedom in Europe*, Annual Report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists. Council of Europe, April 2021. Available at: <https://rm.coe.int/final-version-annual-report-2021-en-wanted-real-action-for-media-freed/1680a2440e>

Figure 3
Attacks on journalists in Serbia



Source: Independent Journalists' Association of Serbia, database of attacks on journalists by year

Threats and violence against women journalists in Serbia are part of a wider phenomenon, the gravity of which has only recently been recognized by international institutions. UN Special Rapporteur Dubravka Šimonović's 2020 report on violence against women journalists globally revealed that in a survey about female journalists' perception of their own safety and freedom, 85% of respondents said they felt less safe than they had five years earlier. They said that they faced worse harassment for covering key subjects, such as local or national politics or extremism, and that online harassment ranged from unsolicited sexual messages to threats of violence, rape or death and included the publication online of reporters' private information. Šimonović noted that perhaps one of the most chilling factors is that for a number of women journalists harassment does not always remain online and has often spilled over into reality.¹¹⁵

For journalists such as Jovana Gligorijevic at the liberal Serbian weekly Vreme, such abuse has become a part of everyday life. An investigation by BIRN revealed the extent to which female journalists in the Balkans are often subjected to sexist insults and misogynist harassment on social media aimed at humiliating or terrorising them for doing their jobs, while the perpetrators often go unsanctioned – where they face 'a perfect storm of widespread misogyny' and disdain for journalists in general and for regime critical journalists in particular.

Gligorijevic, who recorded all the online threats she received over a period of one week for the BIRN investigation, recounted that "Someone calling himself Damian Ky messaged me just to tell me I'm an Albanian whore, that he wants to bash my head in and that journalists are the worst kind of people who constantly disparage Serbia." Vojtechovski told BIRN she was still dealing with the psychological impact of the online abuse she receives. "I don't know what they look like and whether they will cross the boundaries of written communication," she said of her tormentors. "You live with it and you are supposed to get used to it. I never did."¹¹⁶

Marija Šajkaš interviewed a number of women journalists in 2017 whose experience of being trolled on social media over their reporting who told her that the insults have a gender slant or threaten sexual violence, and that most of the abuse comes after they report on corruption or politics. One interviewee,

¹¹⁵ UN Human Rights Council, *Combating violence against women journalists*, Forty-fourth session 15 June–3 July 2020. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/109/79/PDF/G2010979.pdf?OpenElement>

¹¹⁶ Ivana Jeremic, 'Online Abuse now Commonplace for Balkan Women Reporters', *Reporting Democracy BIRN*, 18 June 2019. Available at: <https://balkaninsight.com/2019/06/18/online-abuse-now-commonplace-for-balkan-women-reporters/>

Tatjana Vojtechovski, a Serbian television journalist who is critical of Vučić, and has over 200,000 followers on Twitter, and is frequently targeted by pro-government tabloids and trolls, said that she brushes off threats sent via social media, but worries when “the virtual world becomes real”, and that fake news stories written about her could lead to physical violence. She described how a handwritten death threat addressed to her was pinned on a tree in a place where it was clear she would see it. “Somebody had to buy a pen, paper and pushpins. There was a clear intent, and this is what is frightening.”¹¹⁷

On 7 July 2017, the home of award-winning investigative journalist Dragana Peco was burgled and ransacked, following her investigation of the numerous violent attacks on journalists at President Aleksandar Vučić's inauguration. Peco was working to expose the perpetrators' identities, while also investigating their political affiliations. Despite the break-in and clear evidence that the perpetrators had been through her belongings, no valuable items were taken from Peco's flat. As CIVICUS Monitor reported, in a subsequent interview, Peco commented on the worrying climate of fear for investigative journalism in Serbia:

*“When you do this job and you go through things like that - someone takes your equipment while you work, you get threats on social media, as well as some politicians openly supporting the people behind the attacks...then you are ready for this kind of thing”.*¹¹⁸

In December 2020, the government established two new working groups on the implementation of the Media Strategy Action Plan and for the security and protection of journalists. By March 2021, five journalists' and media associations had withdrawn from the Working Group, because as Tamara Filipovic of NUNS put it: “We haven't noticed any improvement. In fact, verbal attacks and insults against journalists, mostly coming from politicians, continued after we joined the group, which also includes several representatives of the state.”

The specific incident that drove them to quit was the because of “the wall of silence” on attacks against KRIK journalists. of other members of the Working Group, including state representatives, in the face of a new wave of attacks against KRIK. On 10 March 2021, the MFRR issued a statement condemning “the dangerous and baseless claim” that KRIK had a ‘secret deal’ with Veljko Belivuk, a recently arrested leader of an organised crime group; and called for the Public Prosecutor's Office to “deny completely unfounded and dangerous insinuations about KRIK's connection with criminal groups.”¹¹⁹

On 9 and 10 March 2021, a number of pro-Government media outlets alleged that KRIK was coordinating with Belivuk to monitor or threaten the Serbian President, Aleksandar Vučić. Tabloid newspapers, including The Serbian Telegraph, Kurir and Alo published front-page articles that KRIK is Belivuk's private media. On 9 March, pro-government broadcaster Pink TV, stated in its news show that “it is suspected that people from the top of the police provided KRIK journalists with data on the movements of President Aleksander Vučić's family members.”¹²⁰ Vučić's subsequent call on the Serbian public “not to attack neither KRIK nor anyone else”, was deemed by Vukašin Obradović to be hypocritical and cynical, not least because SNS officials and pro-government media outlets continued to publicly accuse KRIK of being tied to the criminal group. KRIK and Serbian journalists' associations were especially concerned by the fact that such titles not only aim to professionally discredit KRIK journalists, but also to put their safety at risk.¹²¹

¹¹⁷ Marija Šajkaš, *Two-fold risk for Serbia's women journalists as attackers target their work and gender*, Committee to Protect Journalists, 12 October 2017. Available at: <https://cpj.org/2017/10/two-fold-risk-for-serbias-women-journalists-as-att/>

¹¹⁸ CIVICUS Monitor, *Serbian Women in the Media Face Threats, Intimidation and Harassment*, 2 August 2017. Available at: <https://monitor.civicus.org/updates/2017/08/02/women-media-serbia-face-threats-intimidation-harassment/>

¹¹⁹ Media Freedom Rapid Response (MFRR), *Serbia: MFRR condemns dangerous and baseless smear campaign aimed at KRIK*, Wednesday 10th March 2021. Available at: <https://www.mfrr.eu/serbia-mfrr-condemns-dangerous-and-baseless-smear-campaign-aimed-at-krik/>

¹²⁰ Vukašin Obradović, ‘Serbia: journalists don't feel safe’, *Osservatorio Balcani e Caucaso Transeuropa*, 19 March 2021. Available at: <https://www.balcanicaucaso.org/eng/Areas/Serbia/Serbia-journalists-don-t-feel-safe-209376>

¹²¹ *Ibid.*

5.4. President Recep Tayyip Erdoğan: 'One of the world's leading jailers of journalists'

In the course of Turkey's precipitous drop from 100th among 139 countries in 2002 – the first year of the RSF World Press Freedom Index, and the year the ruling Justice and Development Party (AKP) came to power – to 153rd out of 180 countries in 2021, Turkey was long known as 'the world's worst jailer of journalists'. With the release of 20 jailed journalists in the past year, Turkey now ranks sixth in the Committee to Protect Journalists (CPJ) prison census just behind the top five of China, Myanmar, Egypt, Vietnam and Belarus. The reasons for relentless climb in the numbers of detained journalists globally differ between countries. But according to CPJ, all reflect a stark trend: "a growing intolerance of independent reporting. Emboldened autocrats are increasingly ignoring due process and flouting international norms to keep themselves in power."

In this aspect, Turkey remains a front-runner. In 2021, as in the previous year, Turkey ranked first among the 47 Council of Europe (CoE) member states in the number of judgments from the ECtHR concerning violations of freedom of expression. In its latest annual report on human rights in Turkey, the Stockholm Centre for Freedom (SCF) noted that according to human rights watchdogs, Turkish courts systematically accept bogus indictments, detain and convict without compelling evidence of criminal activity, individuals and groups the Erdoğan government regards as political opponents, and prominent among those targeted are journalists.¹²²

A report published in June 2021 by Turkey's Progressive Journalists Association (ÇGD) which covered a series of physical attacks targeting members of the press, claimed they were a result of the ruling AKP's oppressive policies. In a statement the association said, "The darkness created by the AKP government to drown out media [outlets] beyond its control has turned into systematic violence against our colleagues." Referring to the detention of AFP photographer Bülent Kılıç as the most violent in a series of attacks against journalists in June 2021, the association stated that "the fact that no [legal] action has been taken against the people who attempted to kill Kılıç in the name of the 'state security' and that they haven't been fired point to the mentality that feeds the crime."¹²³

In October 2020, following their visit to Turkey, Human Rights Watch (HRW) and 10 other organisations, in a statement warning that the country's "press freedom crisis is worsening amid growing state capture of media", flagged the continued jailing and prosecution of journalists and the growing concern over their safety. The statement noted that scores of journalists remain behind bars in Turkey or face baseless prosecutions in retaliation for their work. State authorities continue to instrumentalize a justice system that does not guarantee basic due process rights in court: "The lack of political will to end this pattern, largely unchanged since 2016, is hugely disturbing."¹²⁴

Following the failed coup by elements of the Turkish military on the night of 15 July 2016 which left at least 241 people dead and over 2,000 injured, President Recep Tayyip Erdoğan declared a three-month state of emergency that was quickly extended, giving the president and government the power to rule by decree. While the assault on critical journalism sharpened in 2014, it greatly accelerated after the failed coup to the extent that HRW claimed, in 2016, that Turkey's government "has all but silenced independent media in an effort to prevent scrutiny or criticism of its ruthless crackdown on perceived enemies." A massive crackdown saw 140 media outlets and 29 publishing houses shut down via emergency decree, leaving more than 2,500

¹²² Stockholm Center for Freedom (SCF), *Human rights in Turkey: 2021 in review*, 11 February 2022. Available at: <https://stockholmcf.org/human-rights-in-turkey-2021-in-review/>

¹²³ SCF, *Gov't crackdown on critical media turning into systematic violence against journalists: report*, 7 July 2021. Available at: <https://stockholmcf.org/govt-crackdown-on-critical-media-turning-into-systematic-violence-against-journalists-report/>

¹²⁴ Human Rights Watch, *Turkey: Press Freedom Under Attack*, 14 October 2020. Available at: <https://www.hrw.org/news/2020/10/14/turkey-press-freedom-under-attack>

media workers and journalists unemployed by December 2016. Amidst this crackdown, by December arrest warrants were issued for more than 100 journalists, with an estimated 149 journalists and media workers held in Turkish jails – all but 18 of them in pretrial detention.¹²⁵ HRW's report, *Silencing Turkey's Media* documented five key components of the crackdown on independent media: (i) the use of the criminal justice system to prosecute and jail journalists on bogus charges of terrorism, insulting public officials, or crimes against the state; (ii) threats and physical attacks on journalists and media organizations; (iii) government interference with editorial independence and pressure on media organizations to fire critical journalists; (iv) the government's takeover or closure of private media companies; and (v) restrictions on access to the airwaves, fines, and closure of critical television stations.¹²⁶

Days before RSF's country representative, Erol Önderoğlu, was due for trial on 3 February 2021, RSF produced a figures-based overview of press freedom in Turkey that shows the scale of the crackdown since the July 2016 failed coup:

- **200:** *More than 200 journalists and media workers have been imprisoned in Turkey in the past five years. Thirteen of them are still being held. Turkey continues to be one of the world's leading jailers of journalists.*
- **48:** *A total of 48 journalists spent at least one day in police custody in 2020. The reasons for their arrests included referring to the fate of Syrian refugees, investigating the government's handling of the Covid-19 pandemic, or covering the Kurdish issue.*
- **27 years 6 months:** *This is one of the longest prison sentences ever passed on a Turkish journalist. Can Dündar, the former editor of the daily newspaper Cumhuriyet, was sentenced to 27 and a half years in prison on 23 December 2020 on charges of spying and assisting a terrorist organization. He was sentenced in absentia because he has been living in Germany ever since he was the target of a murder attempt in 2016.*
- **71:** *This is the age of Turkey's oldest imprisoned journalist, Ahmet Altan, held in Silivri high security prison, near Istanbul, although the life sentences that he, his brother Mehmet Altan and another journalist, Nazlı Ilıcak, received in 2018 were overturned by the supreme court in July 2019. They were accused of sympathizing with the July 2016 coup attempt and of "transmitting subliminal messages on television."*
- **63:** *the number of "lèse-majesté" convictions of journalists for "insulting the president" under article 299 of the criminal code since Erdoğan was elected president in August 2014.*
- **€128,000** *was the amount awarded in damages by the ECtHR in November 2020 to eight Cumhuriyet journalists who were arbitrarily jailed for nearly a year in 2016. In the past five years, the ECHR has ordered the Turkish authorities to pay a total of €234,760 euros in compensation to journalists.*
- **139:** *the number of Turkish journalists have been the targets of at least 139 physical attacks in the past five years. At least 18 journalists were attacked in 2020 alone.*¹²⁷

The Stockholm Centre for Freedom (SCF), in its 2021 review, also highlighted the continued 'transnational repression' of journalists which included a Turkish court's submission of an INTERPOL Red Notice for journalist in exile Can Dündar on June 8, and issued a warrant for his arrest on charges of "disclosing confidential information related to the state's security and political interests" and "acquiring the confidential information of the state for political and military espionage."

In July, Erk Acarer, a Turkish journalist living in exile was attacked outside his home in Berlin by three men who reportedly warned him to stop writing. The same month, German Federal Police warned Celal

¹²⁵ Human Rights Watch, *Silencing Turkey's Media: The Government's Deepening Assault on Critical Journalism*, 15 December 2016. Available at: <https://www.hrw.org/report/2016/12/15/silencing-turkeys-media/governments-deepening-assault-critical-journalism>

¹²⁶ *Ibid*

¹²⁷ RSF, *Turkey – press freedom in figures*, 29 January 2021. Available at: <https://rsf.org/en/news/turkey-press-freedom-figures>

Başlangıç, the editor-in-chief of Artı TV and the Artı Gerçek news website, of a planned assassination targeting him based on a hit list including the names of 55 Turkish journalists living in exile.

In December 2021, Turkey froze the assets of 770 people including journalists in exile for alleged financing of terrorism. In response to this move, one of the journalists Mehmet Efe Çaman tweeted: *“According to an arbitrary decision of the Turkish regime ... the assets of 770 people in TR have been frozen. My name is also on the list. Turkey acts like the mafia. The only ‘crime’ I have committed is my critical voice and being a dissident.”*¹²⁸

Against a background of legislation that imposes far-reaching restrictions on social media platforms, designed to further censor opposition voices, independent journalism and nonviolent expression, the Turkish government announced its intent to set up its own ‘ministry of truth’. In February 2021, the Communications Directorate of the Turkish Presidency announced that Turkey will create its own fact-checking mechanism to “fight against lies and false facts on social media.” Taking care of business within the Directorate will be the Department of Department of Strategic Communication and Crisis Management established in 2020. One of its duties, as defined by presidential decree is *“Countering any kind of manipulation and disinformation against the Republic of Turkey by identifying psychological operations, propaganda and misinformation.”* Its mission is *“taking under control any kind of manipulation and disinformation against Turkey.”*¹²⁹

¹²⁸ Stockholm Center for Freedom (SCF), *Human rights in Turkey: 2021 in review*, 11 February 2022. Available at: <https://stockholmcf.org/human-rights-in-turkey-2021-in-review/>

¹²⁹ SCF, *Turkish gov’t to create its ‘truth ministry’ amid rising censorship*, 25 February 2021. Available at: <https://stockholmcf.org/turkish-govt-to-create-its-truth-ministry-amid-rising-censorship/>



CONCLUSION: RESILIENCE, RESISTANCE AND SOLIDARITY IN DARK TIMES

"I am 60 years old. During these sixty year I witnessed three coups d'état, one postmodern coup d'état and several unsuccessful but very harmful attempted coups d'état. In the first two, the 1960 and 1970 coups, my mother was imprisoned as a journalist. In the 1980 coup I was. And almost 40 years later, I was imprisoned again very recently after the unsuccessful coup attempt of 15 July 2016. I should also mention years of unending state of emergency, both in the 90s in the Kurdish region and now all over Turkey. So, I can be considered an expert on the oppressive times and nature of the Turkish state."

(Murat Çelikkan, 2018)

Despite the grim catalogue of authoritarian abuses, there is also a stirring counter-narrative of defiance and steadfast resistance. In the face of imprisonment, intimidation, threats, SLAPPs and worse, media outlets, principled editors and journalists persist, against often daunting odds, in dogged defence of free and independent media. It's a story of courage displayed by journalists committed to speak truth to power, and the wily determination of independent media to keep publishing, despite all the efforts by authoritarian regimes to scupper their operations.

In August 2017, human rights defender and journalist Murat Çelikkan was sentenced to 18 months in prison for serving as "editor-in-chief on duty" for the pro-Kurdish *Özgür Gündem* daily, on charges of disseminating the propaganda of a terrorist organization. He was one a group of prominent intellectuals and press freedom activists who launched a campaign in solidarity with the newspaper. While the court suspended the 15-month sentence handed out to his co-defendant, academic Beyza Üstün, Murat was sent down under the pretext that "he did not show remorse." He was subsequently released on probation after serving two months.

As a 'considered expert' on state oppression, Murat remarked that because unlike earlier periods, there is no military rule, no military courts, but rather an elected government and its tamed civil courts, there isn't the prospect of a transfer of power from military to civilian, or a change in governance from authoritarian to democratic rule: *This time it is harder to see the light at the end of the tunnel, or rather the light at the end signals the speed train coming towards you.*¹³⁰

Notwithstanding that, independent journalists in Turkey and Turkish journalists in exile continue to write, to protest in solidarity with persecuted colleagues, and to defy Erdoğan and his AKP government. In January 2018, an Istanbul court handed down 18-month sentences to two journalists, Ragıp Duran and Ayüe Düzkan, for taking part in the same campaign of solidarity, and similarly, for not showing "enough remorse".

¹³⁰ Goran Miletić, *Interview with Murat Çelikkan: "I stand on the shoulders of giants"* Hafıza Merkezi, 30 April 2018. Available at: <https://hakikatadaletahafiza.org/en/civil-rights-defenders-interview-with-murat-celikkan/>

Duran and Düzkan were convicted of "propaganda on behalf of a terrorist organization," because of columns that were published in the newspaper while they were its symbolic editors. The authors of the offending columns were also given 18-month jail terms in the same trial, while the paper's 'real' editor, Hüseyin Aykol was sentenced to three years and nine months in prison. RSF, whose Turkey representative is being tried separately for participating in the same campaign, condemned the sentences stating:

*"The aim of the Özgür Gündem solidarity campaign was to defend media freedom and pluralism. Treating its participants as criminals is designed solely to intimidate Turkish civil society at a time when the need for action is greater than ever. We call on the courts to overturn all the convictions in connection with this campaign and to abandon the prosecutions still pending."*¹³¹

And journalists in exile continue to defy the Turkish regime, despite threats and violence. Following a violent assault by three men on exiled Turkish journalist, Erk Acarer, in Berlin in July 2021, he posted a video on Twitter saying he was attacked with fists and knives, and that one of his assailants warned him in Turkish: "You will not write." Acarer was one of a group of journalists prosecuted for reporting on the funeral of a Turkish intelligence officer who was killed in Libya and was quietly buried. Five of the journalists were [convicted](#) of violating Turkey's intelligence laws and of disclosing secret information. A number of journalists and politicians accused Erdoğan and his AKP government of responsibility for the attack on Acarer. Can Dündar, former editor-in-chief of the Cumhuriyet daily and journalist in exile tweeted: "Take a look at what he has been writing about, and you'll know who sent the three armed men to his house. They [the AKP government] have become a nuisance not only to Turkey, but the world." Acarer claimed the attack confirmed everything he had written and said against the "Islamist and fascist" Justice and Development Party (AKP) and its ally, the far-right Nationalist Movement Party (MHP), and declared *"I will never surrender to fascism."*¹³²

6.1. The assault on democracy and press freedom: 'we have passed the point of cautious euphemisms'

In his call for solidarity to the European Parliament, the veteran dissident and editor of *Gazeta Wyborcza*, Adam Michnik declared that they had passed the point of cautious euphemisms; he warned that the assault on free media in Poland was just one of many fronts opened by the ruling camp in its war on Polish democracy and civil society; and that this was a prelude to an all-out assault on the founding values of the European Union. Michnik wrote:

*"Those who attack independent media hope to murder language as a tool for finding truth. We can see it in how they construct false narratives about Polish history, Polish culture, and Polish tradition. History showed us what happens to states and nations who do not stand up to fight for their democracies. Without those willing to defend them, democracies are always lost."*¹³³

However, independent journalists in Poland repeatedly demonstrate in word and deed that all will not be lost. In the case of the so-called Lex-TVN amendment in Poland, campaigning, international solidarity, outrage and pressure prevailed against the ruling party's skulduggery and parliamentary machinations to further limit

¹³¹ RSF, *Two Turkish journalists get jail terms for solidarity campaign role*, 16 January 2018. Available at: <https://rsf.org/en/news/two-turkish-journalists-get-jail-terms-solidarity-campaign-role>

¹³² Stockholm Centre for Freedom, *Turkish journalist living in exile attacked outside home in Germany*, 8 July 2021. Available at: <https://stockholmcf.org/turkish-journalist-living-in-exile-attacked-outside-home-in-germany/>; AP News, *Exiled Turkish journalist attacked outside home in Germany*, 8 July 2021. Available at: <https://apnews.com/article/middle-east-europe-germany-journalists-government-and-politics-355742a2fee8f4364bf8fb4f0c791e3e>

¹³³ Adam Michnik, *The Attack on Media Freedom in Poland Clears Way for an All-Out Assault on Fundamental EU Values*, *wyborcza.pl*, 8 March 2021. Available at: <https://wyborcza.pl/7,173236,26863100,the-attack-on-media-freedom-in-poland-clears-the-way-for-an.html?disableRedirects=true>

media freedom. In late December 2021, Polish President Andrzej Duda bowed to that pressure and vetoed the controversial media bill, which was designed to tighten the rules around foreign ownership of media in the country. Press freedom watchdogs welcomed this move as an important victory for media pluralism and independence.¹³⁴ In an open letter in defence of TVN signed by 1000 journalists in Poland, the drafters spelled out the stakes:

*"32 years after communism was overthrown in Poland, history is turning a full circle. The ruling party is raising its hand against the media, the freedom of which is a condition for the functioning of democracy. We cannot agree to this. If the government silences an inconvenient station, the same will happen to the other free media. This battle cannot be lost. It would be a defeat for a democratic Poland."*¹³⁵

Emphatically, that battle was not lost, and such victories proffer a necessary corrective to the jaded fatalism that is so pervasive among citizens under hybrid authoritarian regimes. In March 2021, Adam Michnik, editor-in-chief of *Gazeta Wyborcza* for over 30 years, warned in his open letter to the European Parliament of a creeping authoritarian coup, where "public media broadcasters were transformed into tools of shameless propaganda similar to that employed by Vladimir Putin in Russia and Recep Tayyip Erdoğan in Turkey" and independent media outlets are cast as enemies of the state: "We are treated as enemies for the simple reason that we are independent and have the courage to speak truth to power."¹³⁶

As the regime attempted to push forward and step up the pace of 'repolonisation', journalists and free media outlets stepped up the pushback. In July 2021, all independent outlets took part in a blackout protest against a new tax on advertising. As Claudia Ciobanu noted, those concerned about media freedom in Poland long consoled themselves with the thought, "at least it's not as bad as in Hungary" and their ease of access to news portals, newspapers or TV channels that are ready to hold the government to account. The blacked-out front pages of newspapers and home pages of news portals were a portent of how free media would look if PiS got its way, and a red alert to both domestic audiences and the outside world of the storm ahead for media freedom in Poland.¹³⁷

Roman Imielski correctly noted that while Poland has a long way to go to resemble Hungary, the authorities will attempt to continue to tighten their grip on the commercial media: "Their dream is to build a country where there's almost no critics and all major media outlets are dependent on the authorities, and their role is not to inform the public, but act in favor of the ruling party."¹³⁸

The December 2021 Presidential veto of Lex-TVN showed that resistance matters, and the ambition of Jarosław Kaczyński's regime 'to create Budapest in Warsaw' as yet remains unrealised. In a statement thanking all its viewers and supporters, TVN's parent company Discovery commended the president for "doing the right thing and standing up for core democratic values of a free press and the rule of law." In another victory, in January 2022, the Supreme Court ruled that the government's ban on media visiting the border with Belarus – where a state of emergency was declared in response to a migration crisis – violated constitutional freedoms, and overturned convictions against three members of the press who accidentally violated the ban. "People who work as journalists have a unique legitimacy to be in places where important events take place," the judges reasoned, and found the entry ban to violate rights to freedom of movement

¹³⁴ Annabelle Chapman, *Poland: Veto of 'lex-TVN' a victory for media freedom. President Duda rejects controversial foreign media ownership* IPI, 10 January 2022. Available at: <https://ipi.media/poland-veto-of-lex-tvn-a-victory-for-media-freedom/>

¹³⁵ Rule of Law, *More than 800 journalists in defence of TVN: "The ruling party is raising its hand against media independence"*, 28 July 2021.

Available at: <https://ruleoflaw.pl/more-than-800-journalists-in-defence-of-tvn-the-ruling-party-is-raising-its-hand-against-media-independence/>

¹³⁶ Adam Michnik, *LETTER: Poland on brink of having no independent media*, *EU Observer*, 10 March 2021, Available at:

<https://euobserver.com/opinion/151172>

¹³⁷ Claudia Ciobanu, *Polish Government's Assault on the Free Media: "Death By A Thousand Cuts"*, *BIRN*, 15 February 2021. Available at:

<https://balkaninsight.com/2021/02/15/polish-governments-assault-on-the-free-media-death-by-a-thousand-cuts/>

¹³⁸ Albuquerque Express, *Poland's Press Push Back at Government Control*, 4 May 2021. Available at:

<https://www.albuquerqueexpress.com/news/269205176/polands-press-push-back-at-government-control>

and access to information.¹³⁹ However, the struggle continues, as this statement from *Wyborcza*'s editors, following an armed police raid and seizure of equipment on a journalist's home, makes clear:

*We hereby declare that we will not let ourselves be intimidated and will not surrender to such repressive tactics. It is our civic and democratic duty to criticize all authorities and expose their abuses, including situations when the abuse of power is affecting our journalists and ourselves.*¹⁴⁰

6.2. 'A generational change is in the air'

Just as the significant losses incurred by Viktor Orbán's Fidesz in the October 2019 Hungarian local elections punctured the regime's sense of its own invincibility, the collective action taken by Index journalists against government interference in July 2020, kicked against the pricks and marked a "turning point in the Hungarian media landscape." More than 70 journalists and staff at Hungary's then top news site Index, resigned *en masse* following the sacking of editor-in-chief Szabolcs Dull. Thousands of protestors took to the streets demanding a free press and a new Index; and within months, the new and independent news site, Telex, was launched in October 2020, becoming an instant success.

As reported in BIRN, co-editors Szabolcs Dull and Veronika Munk and their colleagues at Telex managed to achieve the seemingly impossible by building a completely new media outlet from scratch in 10 months mostly financed by readers, in defiance of the toxic political and media environment: *"After less than 10 months in operation, it boasts 600,000 unique users, and is now one of the media market leaders in Hungary. Out of the original Index staff, the founders have managed to employ 72 colleagues, the vast majority of whom are on full-time contracts."* Telex is financed mostly by its readers – over 50,000 people support Telex, in most cases with small donations – with a smaller share of revenue coming from advertising. As BIRN noted, the Index/Telex story was one of courage and collective action that *"could indicate a generational change is in the air. Not everybody is ready to succumb to Fidesz's bullying power; now there is an example of Fidesz's dominance being challenged and fought off."*¹⁴¹

In terms of economic survival, according to the Reuters 2021 *Digital News Report*, independent media outlets in Hungary have responded to the challenges posed by the deteriorating situation in a variety of ways: many introduced crowdfunding campaigns and paywalls, which is reflected in the increasing numbers of respondents who pay for news; strengthened their audience engagement activities; produced content in a variety of formats such as podcasts and videos; and others became masters in data journalism and visualisation to make up for the lack of publicly available information on the pandemic. As Eva Bogнар noted, though these efforts are valuable, they cannot suffice, and much more is needed for independent journalism to thrive, especially when public service media are failing to fulfil their remit and focus on promoting the government narrative: *"The dearth of widely used, widely trusted, robust independent news provision risks contributing both to polarisation and politicisation of public discourse and, at worst, can put lives at risk in a situation where trustworthy information is a question of life and death."*¹⁴²

In responding to SLAPPs, smears, various legal threats and other types of interference, Peter Erdelyi noted how some outlets use intimidation into a means of promotion, and turn repressive actions against them into marketing campaigns. As one editor explained: *"When we get smeared by a government official for doing our jobs, asking hard questions, we will use that in our marketing. We will show a clip of being told to shut up at*

¹³⁹ Agnieszka Wądołowska, 'Ban on media at Belarus border violates freedoms, rules Polish Supreme Court', *Notes from Poland*, 20 January 2022. Available at: <https://notesfrompoland.com/2022/01/20/ban-on-media-at-belarus-violates-freedoms-rules-polish-supreme-court/>

¹⁴⁰ Roman Imielski, *Police Raiding the Home of Our Journalist is a Provocation and an Attack on Media Freedom* Statement by Wyborcza's Editors, 3 October 2021. Available at: <https://wyborcza.pl/7,173236,27643674,police-raiding-the-home-of-our-journalist-is-a-provocation-and.html>

¹⁴¹ Edit Inotai, 'Sacked index journalists make history in Hungary', *Reporting Democracy*, BIRN, 27 July 2021. Available at: <https://balkaninsight.com/2021/07/27/sacked-index-journalists-make-history-in-hungary/>

¹⁴² Eva Bogнар, *2021 Digital News Report: Hungary*, Reuters Institute, University of Oxford, June 2021. Available at: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021/hungary>

a press conference or when powerful people call for our arrests. We edit these together as they happen and promote them, asking for the support of the audience. These scenes seem to work with some of our audience, who want to show their support for us and our work, and maybe their support for democracy."¹⁴³

6.3. Solidarity matters

In neighbouring Serbia, where regime control of the media is less totalising than Hungary, the ruling party compensates by ratcheting up the intimidation when it comes to stifling journalists. Investigative journalists in Serbia routinely face an extraordinary array of threats and harassment; they have been bullied by thugs, besieged with SLAPPS, put under state surveillance and slandered as 'foreign agents' and outrageously smeared as being in cahoots with organized crime gangs by pro-government tabloid media. As KRIK editor Stevan Dojčinović notes, Vučić is among the modern authoritarians who has realized that Putin-style direct brutality is out, "Instead, these leaders use proxies — from commercial media owners to street gangs and social media trolls — to try to discredit, starve, and exhaust watchdog reporters."¹⁴⁴

The sheer bravery and dogged persistence of KRIK — whose team is regularly subjected to vicious personal smear campaigns and death threats — in holding the powerful and the corrupt to account, serves both as testament of the resilience of independent journalists to resist authoritarian rule, and as a warning to those in the international community who enable the Vučić regime, that collusion comes with a human cost. For as KRIK editor Stevan Dojčinović warned, "With attacks from every quarter, all the time, it's becoming too much — stress is becoming trauma for investigative journalists here."¹⁴⁵

The team at KRIK merely long for a semblance of normalcy that would allow them to spend more time to follow stories without political interference, and less time spent in courts. In December 2021 alone, three SLAPPs were filed against KRIK, making a total of 10 legal actions facing the outlet. Combined, the SLAPP lawsuits are seeking damages of almost \$1 million — three times more than KRIK's annual budget. As OCCRP noted, "while the lawsuits were brought by ostensibly unrelated actors — an accused drug lord, a high-ranking police official, the head of the secret service, an international mining company, a media conglomerate, an oligarch, and more — almost all have close connections to the ruling government of President Aleksandar Vucic." As if the SLAPPs did not suffice, for good measure and in bad faith, the state filed charges against KRIK for late payment of a two-euro environmental tax due to receiving unclear instructions on how to pay. As OCCRP publisher Drew Sullivan put it "This is how the forces of corruption fight the forces of anti-corruption." He also vowed that "*The global media community and civil society will stand behind KRIK and fight this legal bullying. You can't stop truth.*"¹⁴⁶

Despite the hostile climate, Serbia's three leading investigative outlets *KRIK*, *BIRN* and the Center for Investigative Journalism of Serbia (*CINS*) manage to produce the region's best journalism, and regularly win prestigious international awards for their work. As Rowan Philp noted, these investigative platforms have not only soldiered on displaying remarkable solidarity — highlighting one another's successes and providing support when colleagues come under attack — but they dominate the country's accountability landscape. Marija Ristić regional director of BIRN told Philp that all the biggest corruption affairs in Serbia in 2020 were

¹⁴³ Peter Erdelyi, *Digital audience revenue strategies in CEE and the Global South*, Journalist Fellowship Paper, 2021, Reuters Institute. Available at: https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2021-07/RISJ_Final%20Report_Peter_2021_Final%20PDF%20%282%29_0.pdf

¹⁴⁴ Rowan Philp, 'Smear Campaigns, Oligarch Media, and Street Gangs: Serbia's Embattled Investigative Media Are a Warning to the World', *Global Investigative Journalism Network*, 31 May 2021. Available at: <https://gijn.org/2021/05/31/smear-campaigns-oligarch-media-and-street-gangs-serbias-embattled-investigative-media-are-a-warning-to-the-world/?fbclid=IwAR08m3Zrq4IQM1KQqPh0e0k13DmyEV5wOR9yyVO4vUL0cPH9wh-ayyDClaM>

¹⁴⁵ *Ibid.*

¹⁴⁶ OCCRP, *Cascade of Frivolous Lawsuits Endangers Top Serbian Investigative Journalism Outlet KRIK*, 7 December 2021, Available at: <https://www.occrp.org/en/40-press-releases/press-releases/15619-cascade-of-frivolous-lawsuits-endangers-top-serbian-investigative-journalism-outlet-krik>

exposed by investigative journalists: *"The EU Parliament put pressure on the Serbian government to address these incidents of corruption, and every case they named was revealed by us, KRIK, or CINS."*¹⁴⁷

In 'partly free' or 'unfree' states where ruling elites remain impervious to reasoned dialogue, collegial national and international solidarity remains of crucial importance. Meera Selva, in her study *Fighting Words*, found a common thread running through her survey of over 100 journalists across Central and Eastern Europe has been how frequently independent journalists come under attack from other reporters in their own countries, often working for pro-government and rival outlets. This trend is more intense in countries where media ownership has concentrated in the hands of government-friendly owners, who have used the outlets they own to attack regime-critical journalists.

What was striking for Selva was the absence of industry solidarity, and the lack of useful action by press associations; this she found especially noteworthy in light of research documenting how collective action by the media sector can help journalists and news organisations prevail when their freedoms are under threat and help them shape the environment they operate in for the better. Over three quarters of journalists surveyed did not belong to an association, and many pointed out that often these associations are dominated by journalists who work for pro-government media outlets and act in the interests of older legacy-based journalists.

However, from the relatively small number who belong to press associations, 84.6% said the main reason they became members was to show solidarity with other journalists. The survey revealed the importance of such solidarity, with over three-quarters of journalists stating that if they were to come under attack for their work, the most helpful support would be that coming from other media organisations in their country, as Gergely Brückner from Index.hu explained: *"The independent media outlets have always shown solidarity to me if I'm under attack. They still care, express solidarity, and show appreciation for quality reporting. It has always been the case, luckily. I get invited to various independent radio stations and TV broadcasts to tell my side of the story."*

Of journalists who were publicly attacked by politicians, 90.5% said they received support from their colleagues and 74.6% said they received support from editors and managers.¹⁴⁸ Selva also emphasized the need to address the direct personal toll on journalists, and to ensure supporting professional, social, and institutional frameworks in which to operate; and made the crucial point that: *Journalism in central and eastern Europe, like the rest of the world, should not allow itself to get used to the idea that independent journalists are somehow action heroes, expected to face death, bullet wounds, and rape threats while carrying out their jobs.*¹⁴⁹

¹⁴⁷ Rowan Philp, 'Smear Campaigns, Oligarch Media, and Street Gangs: Serbia's Embattled Investigative Media Are a Warning to the World', *Global Investigative Journalism Network*, 31 May 2021.

¹⁴⁸ Meera Selva, *Fighting Words: Journalism Under Assault in Central and Eastern Europe*, Reuters Institute Report, January 2020. Available at: [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-01/MSelva-Journalism Under Assault FINAL 0.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-01/MSelva-Journalism%20Under%20Assault_FINAL_0.pdf)

¹⁴⁹ *Ibid*, p. 22,23

6.4. EU action: too little, too late?

Free press defenders, independent journalists, press outlets and media associations have been deeply critical of the inaction of the EU over recent years, in the face of democratic backsliding and sustained attacks on press freedom, in both member states and neighbourhood and enlargement countries. The repeated failures of the European Commission to take effective action against the dismantling of media pluralism and press freedom in Hungary and Poland served only to further embolden the ruling parties in both countries.

Quentin Aries, in a special report, cited the creation of KESMA in Hungary as another 'distressing example' of the EU's reluctance to go beyond critical rhetoric and to police its stated values. In 2018, more than 400 pro-government outlets were merged into a nonprofit media conglomerate known as KESMA — the Hungarian acronym for Central European Press and Media Foundation. Orbán then issued a decree that excluded KESMA from scrutiny from the Hungarian competition authority. A separate report for the commission compiled by the Center for Media Pluralism and Media Freedom, found that the creation of KESMA "represents a huge and unprecedented concentration of media in the hands of oligarchs who are friendly to the ruling party." However, beyond raising concerns and assessing the risks, the commission declined to officially probe whether KESMA complied with EU law, and stated, "on the basis of the available information, the creation of KESMA itself ... falls outside the commission's jurisdiction under the EU media regulation."¹⁵⁰

As for the so-called accession countries, critics hold that Aleksandar Vučić's democratic backsliding, suppression of free media, and increasingly autocratic rule has been made possible by the EU. As Aleks Error put it, the EU chose to put stability before its own self-professed liberal principles: *"Over the past ten years, the SNS – a network of functionaries created for the sole purpose of serving its leader – has effectively supplanted the Serbian state by taking control of every lever of power and neutering any opposition to its rule. This is useful to Brussels because it ensures reliability. But stabilocracy comes with significant risks, because the leader can cancel stability just as easily as he can impose it."*¹⁵¹

In the run-up to the 2020 parliamentary election, which was boycotted by all the opposition parties, Donald Tusk, the former head of the European Council, [declared](#) on Twitter: "Dear President, you have full right to be proud and satisfied with what you have done for Serbia during your term ... Good luck on Sunday." Error described this praise as "utterly bizarre". Critics such as Jasmin Mujanović have suggested that rather than "issuing fawning endorsements of Vučić's 'reforms', as Commission President von der Leyen did during a visit to Belgrade" in September 2021, Western leaders should speak plainly about the decline of democratic freedoms in Serbia, and identify the government as the culprit.¹⁵²

The EU's posture as honest broker has been further compromised by the actions of European Commissioner for neighborhood and enlargement, Olivér Várhelyi. His approach has been described by *Politico* as out of step with many EU countries, but fully aligned with the agenda of one EU government – his own. According to more than a dozen officials from multiple institutions interviewed by *Politico* and an analysis of internal documents, the Hungarian Commissioner Várhelyi has overseen a concerted thrust to play down concerns about the rule of law and human rights in pushing Serbia's candidacy for EU membership. The effect, according to one Commission official, is that Várhelyi "undermines the credibility of the Commission in the eyes of partners and member states." One diplomat described the commissioner as "the Voldemort of EU

¹⁵⁰ Quentin Aries, *Special report: Democracy Undone: Europe's failure to protect liberty in Viktor Orbán's Hungary*, the Ground Truth Project, 29 December 2019. Available at: <https://thegroundtruthproject.org/europes-failure-to-protect-liberty-in-viktor-orbans-hungary/>

¹⁵¹ Aleks Error, 'Serbia's elections present a dilemma for the EU', *Open Democracy*, 30 March 2022. Available at: <https://www.opendemocracy.net/en/serbia-elections-eu-vucic/>

¹⁵² Jasmin Mujanović, 'The Regional Danger of Serbia's Government Disinformation Machine', *Just Security*, 16 February 2022. Available at: <https://www.justsecurity.org/80242/the-regional-danger-of-serbias-government-disinformation-machine/>

enlargement, who follows the agenda of his masters in Budapest, cozies up to authoritarian leaders and largely ignores issues related to the rule of law.”¹⁵³

EU collusion has given Vučić a largely free hand to expand the media control described by Rasa Nedeljkov program director in Belgrade for the Center for Research, Transparency and Accountability, as “the skeleton of his whole system” where in some ways, “Serbia’s space for critical media is now smaller than it was under Mr. Milosevic.”¹⁵⁴ As for the stability the EU bargained for, much remains uncertain. The complacent assumptions that Vučić remains a safe bet for Europe, as a pragmatist with no interest in triggering ethnically-driven conflict in the region, needs to be interrogated.

Jasmin Mujanović issued a stark warning about the regional dangers of Serbia’s propaganda machine, noting the centrality of Serb ultranationalist motifs to the ideological posture of both Vučić and Republika Srpska’s Milorad Dodik throughout 2021. In addition, Serbian Minister of the Interior Aleksandar Vulin spent much of the same year promoting the creation of a so-called ‘Serbian World’. Mujanović noted that this irridentist concept combines “the ‘Greater Serbia’ project that Milošević and Vučić championed throughout the 90s and which served as the blueprint for their wars of conquest against neighbouring states, with the Kremlin’s contemporary ‘Russian World’ program”. Mujanović warns of the grim possibility that Vučić and Dodik have stifled free media for the same reasons Milosevic did: to prepare the ground for violence. His conclusion, one week before the invasion of Ukraine, that the Russian dimension is not incidental, has since been burdened with a new and tragic significance.¹⁵⁵

Since the 2015 EU-Turkey deal, the EU basically traded any effective leverage it might have had with Turkey on issues related to press freedom or human rights.¹⁵⁶ Renewed tensions in spring 2020, which saw Ankara threatening to let hundreds of thousands of migrants into Greece, showed just how much the European Union relied on its eastern neighbour as a bulwark. The European Union and Turkey remain in an uncomfortable partnership; but for European Commission President Ursula von der Leyen the deal “remains valid and has brought positive results.” The positive result for the commission is that number of arriving migrants and asylum seekers has plunged, as the “EU-Turkey statement has gone on to become a blueprint for Europe’s strategy of externalizing migration management to its neighbours.”¹⁵⁷

On 29 November 2021, the European Commission announced that it will present a Media Freedom Act in the autumn of 2022, with the aim of preventing political influence and ensuring pluralism in the media of the 27 member states of the bloc and the candidate countries looking to join. EU Commissioner for the Internal Market Thierry Breton said the purpose of the Act “will be to ensure the integrity and independence” of the EU media market; act against “all types of unjustified interferences in the activities of our media companies”; and ensure that there are media pluralism safeguards “so no one grows too big to care about public debate.”¹⁵⁸

¹⁵³ Zosia Wanat and Lili Bayer, ‘Olívér Várhelyi: Europe’s under-fire gatekeeper’, *Politico*, 5 October 2021. Available at:

<https://www.politico.eu/article/oliver-varhelyi-eu-commissioner-enlargement-western-balkans-serbia-human-rights-democracy-rule-of-law/>

¹⁵⁴ Martin Russell, *Serbia at risk of authoritarianism?* European Parliament Briefing, EPRS European Parliamentary Research Service. European Union 2019. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS_BRI\(2019\)637944_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637944/EPRS_BRI(2019)637944_EN.pdf)

¹⁵⁵ Jasmin Mujanović, ‘The Regional Danger of Serbia’s Government Disinformation Machine’, *Just Security*, 16 February 2022. Available at: <https://www.justsecurity.org/80242/the-regional-danger-of-serbias-government-disinformation-machine/>

¹⁵⁶ In March 2016, the European Union entered into a landmark agreement with Turkey to limit the number of asylum seeker arrivals. Irregular migrants attempting to enter Greece would be returned to Turkey, and Ankara would take steps to prevent new migratory routes from opening. In exchange, the European Union agreed to resettle Syrian refugees from Turkey on a one-to-one basis, reduce visa restrictions for Turkish citizens, pay 6 billion euros in aid to Turkey for Syrian migrant communities, update the customs union, and re-energize stalled talks regarding Turkey’s accession to the European Union. For more detail, see : <https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on>

¹⁵⁷ Kyilah Terry, ‘The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint’, *Migration Policy Institute*, 8 April 2021. Available at: <https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on>

¹⁵⁸ Milica Stojanovic, ‘EU to unveil new Media Freedom Act next year’, *Reporting Democracy BIRN*, 29 November 2021. Available at: <https://balkaninsight.com/2021/11/29/eu-to-unveil-new-media-freedom-act-next-year/>

This belated move by the Commission was welcomed by journalists' representatives and media experts, who warned the EU Culture and Education (CULT) committee that a sustainable independent media will need more than mending broken market mechanisms. Re-establishing fair market conditions and finally applying EU competition laws would constitute a necessary but far from sufficient starting point. Calling on the EU to put its money where its mouth is, Mogens Blicher Bjerregård, president of the EJF argued:

"How can the EU support sustainable independent media? There is a huge need for financial support to independent media outlets. Support capacity building for independent press councils; support the infrastructure behind the media, link media-literacy with support for innovative ideas, and supporting start-ups. And guarantee decent working conditions for journalists, including freelancers."

The media representatives told the CULT committee that their preferred course of action from the EU was a robust legal response in the framework of the upcoming European Freedom of Media Act, as well as for the Commission's competition and anti-trust authorities "to take a keener interest in the methods used by Member States to achieve state-capture of the national media landscape."¹⁵⁹

To introduce a new ownership, competition and merger framework for Europe's media sector, CULT and the media experts and representatives concluded that the Media Freedom Act requires a structural approach, backed by the whole toolbox of EU instruments at its disposal. Another essential element of the new legislation according to the experts must be to prop up the revenues of the existing independent media outlets, which are caught "between authoritarian power and tech giants"; and that means mechanisms to prevent governments from directing taxpayer money in the form of state advertising spending to favoured outlets while starving independent outlets.¹⁶⁰ Even in the best of times, the European Commission would be hard-pressed to push a Media Freedom Act that contains effective mechanisms to prevent government corruption past the European Council. By the time political horse-trading is done, and unanimity reached between the leaders of the Member States, the likelihood is that the scope and ambition of the Act will be severely circumscribed.

Before the Russian invasion of Ukraine, Dr Damian Tambini, media analyst from the LSE, in an optimistic take on the EU moves suggested there are "signs that the regulatory machinery of the EU is being honed into a much more integrated framework, and that the Media Freedom Act is part of a coherent, deliberate plan to shore up democracy."¹⁶¹ The jury is out on this one, and will remain so as Europe confronts the gravest threat to its security since the Second World War.

6.5. Dark times

The odds are that the EU's Media Freedom Act will be too little, and it will have come too late for Serbia and Hungary, whose 3 April 2022 election results delivered resounding victories for their respective 'hybrid authoritarians'. Both elections fell short of free and fair thresholds, the OSCE observers described them as 'marred' by the absence of level playing fields, blurred lines between state and party, opaque campaign funding, and overwhelming pro-regime media bias.¹⁶²

¹⁵⁹ Andreas Rogal, Journalists call for EU policymakers to deliver 'robust' Media Freedom Act in face of increasing state-owned harassment, *the Parliament Magazine*, 14 July 2021. Available at: <https://www.theparliamentmagazine.eu/news/article/journalists-call-for-eu-policymakers-to-deliver-robust-media-freedom-act-in-face-of-state-owned-harassment>

¹⁶⁰ Edit Inotai, Claudia Ciobanu and Nicholas Watson, 'EU Media Freedom Act: Pressganged', *Reporting Democracy BIRN*, 13 December 2021. Available at: <https://balkaninsight.com/2021/12/13/eu-media-freedom-act-pressganged/>

¹⁶¹ Edit Inotai, Claudia Ciobanu and Nicholas Watson, 'EU Media Freedom Act: Pressganged', *Reporting Democracy BIRN*, 13 December 2021. Available at: <https://balkaninsight.com/2021/12/13/eu-media-freedom-act-pressganged/>

¹⁶² RFE/RL, *OSCE Says Hungarian, Serbian Elections Marred By 'Absence' Of Level Playing Fields*, 4 April 2022. Available at: <https://www.rferl.org/a/hungary-serbia-elections-uneven/31785523.html>

But victory at home has come at the price of 'pariah status' abroad for Viktor Orbán. Just a week before the election, a Visegrad 4 meeting of defence ministers in Budapest was cancelled after Poland and the Czech Republic pulled out over Hungary's tepid response to Russia's war on Ukraine, with Czech Defense Minister Jana Černochová tweeting: "I have always supported the V4 and I am very sorry that cheap Russian oil is more important to Hungarian politicians than Ukrainian blood."¹⁶³

Few leading politicians in Europe offered their congratulations, apart from the likes of Italy's Matteo Salvini and France's Marine Le Pen. Russian President Vladimir Putin sent Mr Orbán a congratulatory message which stated: "Despite the difficult international situation, the further development of bilateral ties of partnership fully accords with the interests of the peoples of Russia and Hungary." Even more damning than Putin's message, was Orbán's own victory speech, which criticised Ukrainian President Volodymyr Zelensky:

*"Now we had to battle the biggest forces, the left wing at home, the international left wing, the Brussels bureaucrats, all the organizations of the Soros empire, the international mainstream media, and finally the Ukrainian president as well (heh-heh). We never had so many opponents."*¹⁶⁴

Orbán's slighting of Zelensky came with an oafish guffaw, which was met with cheers and laughs from his followers, just hours after the first images of the atrocities committed against civilians by Russian forces in Bucha surfaced. Reaction was swift, and within two days, the European Commission signalled it was done with dithering over Hungary. President Ursula von der Leyen announced the Commission's intent to trigger the EU's powerful new rule-of-law disciplinary procedure to cut funding to Hungary for eroding the bloc's rule-of-law standards.¹⁶⁵ EU-wide distaste over the Hungarian regime's ambivalent position on Ukraine means that even Germany has lost patience with Orbán, and the days of his 'peacock dance' are done. However, as regards issues around media policy and regulation, the question remains moot as to whether rule of law concerns by the belatedly emboldened European Commission will stretch to cover freedom of the press.

In the case of Poland, all contentious issues related to media freedom and the rule of law in Poland will be put on indefinite hold by the EU in its attempts to maintain a unified response to Putin's criminal aggression. Poland has decoupled itself from Hungary, and has now become a key frontline NATO ally which has accepted more than two million refugees in a matter of weeks. The response of Polish state and civil society to the humanitarian catastrophe has won the country acclaim from political leaders across the world, and completely eclipsed EU concerns about media pluralism, LGBTQ+ rights and judicial independence. As for the US and its recent concerns over democratic backsliding in Poland, according to Alina Polyakova, president of the Washington-based Center for European Policy Analysis:

*"Given the situation, the administration is clearly prioritizing defense and security in the relationship. Poland is the indispensable ally for European security. Other issues and concerns have just taken a back seat. When push comes to shove, and there is a direct military threat to NATO, we need Poland. It doesn't mean that all is forgiven, but it makes it very clear where the priorities are."*¹⁶⁶

When Bertholt Brecht spoke of 'dark times', he described times in which wisdom and goodness have come fatally apart, social conditions he likened to a "flood in which we have all gone under".¹⁶⁷ The cruelties and atrocities unleashed by Putin's invasion of Ukraine have revealed Putin as the harbinger of dark times;

¹⁶³ Victor Jack, 29 March 2022. Available at: <https://www.politico.eu/article/visegrad-group-ukraine-russia-war-orban-putin-war-zelenskyy/>

¹⁶⁴ BBC News, Video clip: <https://www.bbc.com/news/av/world-europe-60979305>

¹⁶⁵ Jon Henley, 'European Commission launches rule-of-law disciplinary procedure against Hungary', *The Guardian*, 5 April 2022. Available at: <https://www.theguardian.com/world/2022/apr/05/european-commission-launches-rule-of-law-disciplinary-procedure-against-hungary>

¹⁶⁶ Jan Cieski and Nahal Toosi, 'Ukraine war turns Poland into America's 'indispensable' ally', *Politico*, 25 March 2022, Available at: <https://www.politico.eu/article/ukraine-war-turns-poland-from-pariah-to-indispensable-us-ally/>

¹⁶⁷ D. Luban, Explaining dark times: Hannah Arendt's theory of theory. In: LP Hinchman and SK Hinchman (eds.) *Hannah Arendt: critical essays*. Albany State University of New York Press, 1994, pp.79-110.

exposed the merciless core of the authoritarian playbook; and laid bare the futility and failure of policies of appeasement and containment. Once again on European territory, journalists are bearing witness to civilian massacres and ariel bombardment of cities by an invading power, the barbarism of the occupier has returned to become a feature of daily life in the European Union's near neighbourhood.

Since 11 March 2022, Reporters Without Borders (RSF) has moved on all possible fronts via its Press Freedom Centre in Ukraine to meet the needs of journalists risking their lives to cover this war. To date, seven reporters have been killed and 11 wounded by gunfire.¹⁶⁸ As Alexander Query, the coordinator of RSF's Lviv centre stated, *"Journalists are a prime target for Putin's regime, so every action helps those who are resisting and helps to tell the world about the horror now sweeping Ukraine. Every vest, every helmet and every safety kit protecting a journalist who is reporting what is happening here is a bulwark against the enemies of a free press."*¹⁶⁹

In these dark times, our states and societies have been cast into a perilous new era of uncertainty and heightened risk that precludes any definitive conclusions concerning the prospects, or indeed the fate of free media under authoritarian hybrid regimes. Just one thing is certain: the future is unwritten, because those who struggle for freedom will not be silenced. As Murat Çelikkan stated, in his acceptance speech for the 2018 International Hrant Dink Award in Istanbul, *"it is the struggle for human rights that will light the torch of hope against hopelessness, not only in Turkey but in the entire world – there is a crack in everything, that is how the light gets in."*¹⁷⁰

¹⁶⁸ RSF, *News: War in Ukraine – List of journalists who are victims gets longer by the day*, 17 March 2022 (Updated on 7 April 2022). Available at: <https://rsf.org/en/news/war-ukraine-list-journalists-who-are-victims-gets-longer-day>

¹⁶⁹ RSF, *News: War in Ukraine: RSF's Lviv centre steps up operational assistance to journalists in the field*, 7 April 2022. Available at: <https://rsf.org/en/news/war-ukraine-rsf-lviv-centre-steps-operational-assistance-journalists-field>

¹⁷⁰ Netherlands Helsinki Committee, *Interview with Human Rights Defender Murat Çelikkan, Winner of the 2018 International Hrant Dink Award*, 20 September 2018. Available at: <https://www.nhc.nl/interview-with-turkish-human-rights-defender-murat-celikkan/>

